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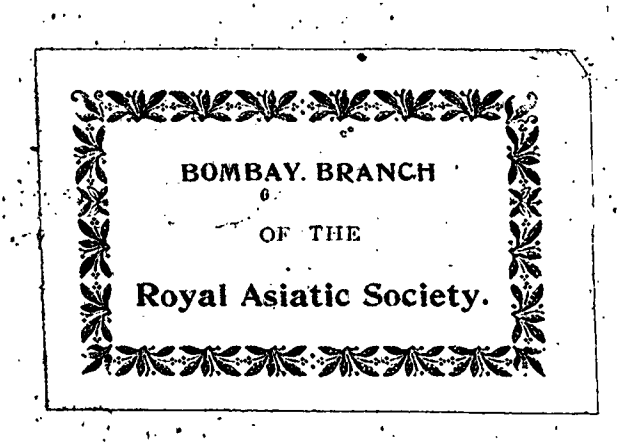

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THE
POLITICAL STATE
OF
THE BRITISH EMPIRE.

VOL. I.

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THE

POLITICAL STATE

OF

THE BRITISH EMPIRE;

CONTAINING

A GENERAL VIEW

OF

THE DOMESTIC AND FOREIGN POSSESSIONS OF THE CROWN;

THE LAWS, COMMERCE, REVENUES, OFFICES, AND OTHER ESTABLISHMENTS,

CIVIL AND MILITARY.

By JOHN ADOLPHUS, Esq.

BARRISTER AT LAW, F.S.A.

AUTHOR OF "THE HISTORY OF ENGLAND, FROM THE ACCESSION OF KING GEORGE III. TO THE PEACE OF 1783."

26950

IN FOUR VOLUMES.

VOL. I.

LONDON:

PRINTED FOR T. CADELL AND W. DAVIES,

IN THE STRAND.

1818.

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TO

HIS ROYAL HIGHNESS,

GEORGE, PRINCE OF WALES,

&c. &c. &c.

REGENT OF THE UNITED KINGDOM

OF

GREAT BRITAIN AND IRELAND.

SIR,

WITH the greatest pride and satisfaction, I avail myself of the gracious permission to dedicate to Your Royal Highness this description of the Political State of the British Empire.

During the period, in which, by the decree of Providence, this United Kingdom has been committed to the care of Your Royal Highness, the possessions of the Crown, in all parts of the world, have been extended and consolidated,

and the character of Britons raised, to an unrivalled eminence.

In conformity with the general sentiment of all who love their country, I feel that the best guaranty for the perpetuation of the national prosperity and the privileges of the subject, is to be found in the operation of those principles which were secured when a Sovereign of the House of Brunswick ascended the throne. Actuated as Your Royal Highness is by those principles, the most ardent patriot cannot desire for his countrymen a larger portion of glory, happiness and freedom, than it has always been Your Royal Highness's endeavour to secure to them.

I am,
With the most profound respect,
Sir,
Your Royal Highness's
Most dutiful,
Faithful and obedient Servant,
JOHN ADOLPHUS.

TEMPLE,
20th March, 1818.

PREFACE.

After the publication of my History of England, in 1802, I began to collect materials for the work now presented to the public. In the period which has since elapsed, many circumstances have arisen, which have varied the plan, and produced irregularity in the execution.

In my first conception, I intended to make the Union of Great Britain with Ireland, and the peace of Amiens, the limits of my inquiries into those parts of the subject, which related to civil and military affairs, to finance and colonies. The speedy renewal of hostilities with France, and the events which for many years marked that stupendous conflict, the resumption of colonies which seemed to have been abandoned, the vast efforts made in all departments of the naval and military service, the necessary increase of taxation, and the inevitable changes, wrought by time, or produced by speculation, in the state and system of a nation, always aspiring to pre-eminence, obliged me frequently to alter and enlarge my plan.

Anxious to bring the labour within a reasonable compass, and confiding in the result of my own exertions, I, long ago, sent such parts as were written to

the press, under a conviction, that I should with equal dispatch supply the residue, and that the alterations required would be few and unimportant. In this hope, I was much deceived. The public can never be interested in learning the causes of an author's delays; but, without incurring censure, I may be permitted to mention, that the eager pursuit of a laborious and anxious profession, has, for the last ten years, so much occupied my time, as to leave but few and short intervals of leisure; while, during a great part of that period, the state of my health obliged me to devote those intervals to repose. Hence, a work which soon after its commencement was announced for immediate publication, has been delayed till the present time.

By this statement, I am not attempting to apologize for palpable deficiency, or evident misrepresentation. That a work so extensive must have many defects, and contain many errors, it would be arrogant to deny. For these, my apology must be left to the candour of judicious readers. They will know how impossible it is for one, who on many subjects must derive his knowledge from books, without aid from personal observation and experience, to collect exact and complete information. The candour which I solicit, applies chiefly to the apparent irregularity in the execution of the work, the cause of which I have thus briefly explained.

As I profess to rely principally on published authorities, I consider myself, in those parts, answerable only for the mode in which they have been selected, and the care with which their contents have been detailed. Considering truth and exactness

to be the chief merit to which I could aspire, I have generally transcribed the very words of the authors, from whom my statements were derived.

In making these selections, the delay (which has attended the completion of this work) has been rather beneficial than disadvantageous, as many valuable publications have recently appeared, from which I have derived much information, and without which my task must have been very incompletely executed. In availing myself of the latest communications, and introducing in parts already printed, the alterations which time or circumstances had rendered necessary, I have occasionally cancelled a leaf, and united the more recent matter with the general subject. Where the alteration has been too extensive to permit, or too minute to require such an insertion, I have resorted to an appendix, with references to the places where the additional information would apply, so that on the whole, the general view of the state of the British Empire is brought down nearly to the period of publication. These alterations and additions are not of sufficient importance to affect the general utility of the work, but their omission would have subjected me to reproach on the score of negligence and inaccuracy.

In a few instances, I have adverted to events and persons somewhat removed by distance of time, rather than to those very recent subjects which could hardly be mentioned without a suspicion of intended commendation or censure. Indeed it has been my anxious care throughout this work on the Political State of the British Empire, to avoid every thing which might be construed into an allusion to par-

ticular politics, or to the systems or conduct of individuals or of parties. The reasons of this forbearance are too obvious to require a statement.

I am sensible that neither the address nor the humility which an author can display in a preface can secure commendation, or avert censure if merited; but having already experienced the satisfaction which results from the approbation of the public, I feel, in committing these volumes to their judgment, an increased anxiety for the continuance of their favourable opinion.

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ADDITIONS AND CORRECTIONS.

A.—Vol. I. p. 403.

THE ſtatute of Charles II. obliging perſons to bury the dead in woollen, is repealed by the 54th George III. c. 108.

B.—Vol. I. p. 418.

By the ſtatute 53 George III. c. 127. the power of the eccleſiaſtical courts to pronounce ſentence of excommunication is taken away in all caſes of diſobedience to proceſs, and contempt of the court; but where ſuch offences ſhall be committed, the court may pronounce the party contumacious and in contempt, and a writ *de contumace capiendo* may be obtained. The courts may ſtill pronounce perſons to be excommunicated, in definitive ſentences or interlocutory decrees, if pronounced as ſpiritual cenſures, for offences of eccleſiaſtical cognizance; but no perſon under ſuch ſentence ſhall incur any civil penalty or incapacity, or be liable to any greater puniſhment than that of impriſonment for a term not exceeding ſix months.

C.—Vol. I. p. 437.

The enactments which excepted thoſe who deny the Holy Trinity from the general benefits given to proteſtant diſſenters, are repealed by 53 George III. c. 160.

D.—Vol. I. p. 467.

In 1815, His Royal Highneſs the Prince Regent was pleaſed to make a very conſiderable alteration in the knighthood of the Bath; the reaſons for which, together with its extent, will be found in the following extract from the London Gazette of Tueſday, January the 3d, in that year.

Whereas His Royal Highneſs the Prince Regent, acting in the name and on the behalf of His Majeſty, Sovereign of the Moſt Honourable Military Order of the Bath, is deſirous of commemorating the auſpicious termination of the long and arduous conteſts in which this empire has been engaged, and of marking in an eſpecial manner his gracious ſenſe of the valour, perſeverance, and devotion manifeſted by the Officers

of His Majeſty's forces by ſea and land: — And whereas His Royal Highneſs has thought it fit, by virtue of the royal prerogative, and of the powers reſerved to the Sovereign in the ſtatutes of the ſaid Moſt Honourable Military Order of the Bath, to advance the ſplendour and extend the limits of the ſaid Order, to the end that thoſe officers who have had the opportunities of ſignaliſing themſelves by eminent ſervices during the late war, may ſhare in the honours of the ſaid Order, and that their names may be delivered down to remote poſterity, accompanied by the marks of diſtinction which they have ſo nobly earned.

The Prince Regent, therefore, acting in the name and on the behalf of His Majeſty, hath been graciouſly pleaſed to ordain as follows:

1ſt. The Moſt Honourable Military Order of the Bath ſhall from this time forward be compoſed of Three Claſſes, differing in their ranks and degrees of dignity.

2d. The Firſt Claſs of the ſaid Order ſhall conſiſt of Knights Grand Croſſes; which deſignation ſhall be ſubſtituted henceforward for that of Knights Companions; and from the date hereof the preſent Knights Companions and Extra Knights of the ſaid Order ſhall, in all acts, proceedings, and pleadings, be ſtiled Knights Grand Croſſes of the Moſt Honourable Military Order of the Bath.

3d. The number of the Knights Grand Croſſes ſhall not at any time, or upon any account whatever, exceed ſeventy-two; whereof there may be a number not exceeding twelve, ſo nominated and appointed, in conſideration of eminent ſervices rendered to the ſtate by Britiſh ſubjects in civil and diplomatic employments.

4th. The ſaid Knights Grand Croſſes ſhall be ſubject to the ſame rules and ordinances, and have, hold, and enjoy all and ſingular the rights, privileges, immunities, and advantages, which the Knights Companions of the ſaid Order have hitherto held and enjoyed, by virtue of the ſtatutes, excepting as far as may be altered or affected by the preſent decree.

5th. It ſhall be lawful for all the preſent Knights Grand Croſſes, from and after the date hereof, to wear upon the left ſide of their upper veſtment, the ſtar or enſign of the ſaid Order, although ſuch Knight Grand Croſs may not have been inſtalled; and henceforward the ſaid ſtar or enſign ſhall be worn by each and every Knight Grand Croſs, immediately after his being ſo nominated and appointed, provided that it ſhall not be lawful for any Knight Grand Croſs to wear the collar of the ſaid Order, until he ſhall have been formally inſtalled according to the ſtatutes, or unleſs a diſpenſation has been granted for the non-obſervance of the ceremonial of inſtallation.

6th. In

6th. In order to diſtinguiſh more particularly thoſe officers of His Majeſty's forces, by ſea and land, upon whom the Firſt Claſs of the ſaid Order hath already been, or may hereafter be, conferred in conſideration of eſpecial military ſervice, ſuch Officers ſhall henceforth bear upon the Enſign and Star, and likewiſe upon the Badge of the Order, the addition of a wreath of laurel encircling the motto, and iſſuing from an eſcrol inſcribed "*Ich Dien.*"

This diſtinction being of a military nature, it is not to be borne by the Knights of the Firſt Claſs, upon whom the Order ſhall have been, or may hereafter be, conferred for civil ſervices.

7th. The dignity of a Knight Grand Croſs of the Moſt Honourable Military Order of the Bath, ſhall henceforth upon no account be conferred upon any Officer in His Majeſty's ſervice who ſhall not have attained the rank of Major-General in the army, or Rear-Admiral in the navy, except as to the Twelve Knights Grand Croſſes who may be nominated and appointed for civil ſervices.

8th. Then follows a liſt of the Knights Grand Croſſes, compoſing the Firſt Claſs of the Moſt Honourable Military Order of the Bath.

9th. And His Royal Highneſs the Prince Regent is further pleaſed to ordain and declare, that the Princes of the Blood Royal holding commiſſions as General Officers in His Majeſty's army, or as Flag-Officers in the royal navy, now and hereafter, may be nominated and appointed Knights Grand Croſſes of the Moſt Honourable Military Order of the Bath, and ſhall not be included in the number to which the Firſt Claſs of the Order is limited by the third article of the preſent inſtrument.

10th. By virtue of the ordinance contained in the foregoing article, His Royal Highneſs the Prince Regent is pleaſed to declare the following Princes of the Blood Royal to be Knights Grand Croſſes of the Order of the Bath, *viz.*:

His Royal Highneſs the Duke of Clarence.
His Royal Highneſs the Duke of Kent.
His Royal Highneſs the Duke of Cumberland.
His Royal Highneſs the Duke of Cambridge.
His Highneſs the Duke of Glouceſter.

11th. The Second Claſs of the Moſt Honourable Military Order of the Bath ſhall be compoſed of Knights Commanders, who ſhall have and enjoy in all future ſolemnities and proceedings, place and precedence before all Knights Bachelors of the United Kingdom, and ſhall enjoy all and ſingular the rights, privileges, and immunities enjoyed by the ſaid Knights Bachelors.

12th. Upon the firſt inſtitution of the Knights Commanders, the number ſhall not exceed one hundred and eighty, excluſive of Foreign Officers holding Britiſh commiſſions, of whom a number, not exceeding ten, may be admitted into the Second Claſs as Honorary Knights Commanders. But in the event of actions of ſignal diſtinction, or of future wars, the number may be increaſed by the appointment of Officers who ſhall be eligible according to the regulations and reſtrictions now eſtabliſhed.

13th. No perſon ſhall be eligible as a Knight Commander of the Bath, who does not actually hold, at the time of his nomination, a commiſſion in His Majeſty's army or navy; ſuch commiſſion not being below the rank of Lieutenant-Colonel in the army, or of Poſt Captain in the navy.

14th. The Knights Commanders ſhall, from the publication of the preſent inſtrument, be entitled ſeverally to aſſume the diſtinctive appellation of Knighthood, and ſhall bear the Badge and Enſign aſſigned as the diſtinctions of the Second Claſs of the Order, on their being duly inveſted with the ſame; that is to ſay, each Knight Commander ſhall wear the appropriate Badge or Cognizance pendant by a red ribband round the neck, and for further honour and diſtinction he ſhall wear the appropriate Star, embroidered on the left ſide of his upper veſtment. There ſhall alſo be affixed in the Cathedral Church of St. Peter, Weſtminſter, Eſcutcheons and Banners of the Arms of each Knight Commander, under which the Name and Title of ſuch Knight Commander with the date of his nomination, ſhall be inſcribed. The Knights Commanders ſhall not be entitled to bear Supporters, but they ſhall be permitted to encircle their Arms with the Red Ribband and Badge, appropriate to the Second Claſs of the Order of the Bath. And for the greater honour of this Claſs, no Officer of His Majeſty's army or navy ſhall be nominated hereafter to the dignity of a Knight Grand Croſs, who ſhall not have been appointed previouſly a Knight Commander of the ſaid moſt honourable Order.

15th. Then follows a liſt of Officers of His Majeſty's naval and military forces, declared to be Knights Commanders.

16th. The Third Claſs of the Moſt Honourable Military Order of the Bath ſhall be compoſed of Officers holding Commiſſions in His Majeſty's ſervice by ſea or land, who ſhall be ſtyled Companions of the ſaid Order. They ſhall not be entitled to the appellation, ſtyle, precedence, or privilege of Knights Bachelors, but they ſhall take place and precedence of all Eſquires of the United Kingdom of Great Britain and Ireland.

17th. No

17th. No Officer ſhall be nominated a Companion of the ſaid Moſt Honourable Order, unleſs he ſhall have received, or ſhall hereafter receive a Medal, or other Badge of Honour, or ſhall have been eſpecially mentioned by name in diſpatches publiſhed in the London Gazette, as having diſtinguiſhed himſelf by his valour and conduct in action againſt his Majeſty's enemies, ſince the commencement of the war in 1803, or ſhall hereafter be named in diſpatches publiſhed in the London Gazette, as having diſtinguiſhed himſelf.

18th. The Companions of the ſaid Order ſhall wear the badge aſſigned to the Third Claſs pendant by a narrow red ribband to the button-hole.

19th. And his Royal Highneſs the Prince Regent hath been pleaſed to ordain and enjoin, that the ſaid Knights Commanders, and the ſaid Companions, ſhall reſpectively be governed by the rules and regulations which his Royal Highneſs, in the name and on the behalf of his Majeſty, hath been graciouſly pleaſed to make, ordain, and enjoin for them; and by ſuch other rules and ordinances as may be from time to time made and ordained by his Majeſty, his heirs and ſucceſſors Kings of this Realm.

And His Royal Highneſs the Prince Regent hath been pleaſed to appoint, that Sir George Nayler, Knt. Genealogiſt and Blanc Courſier Herald of the Order of the Bath, and York Herald, ſhall be the Officer of Arms attendant upon the ſaid Knights Commanders and Companions; and alſo to command, that the Officers hereby appointed Knights Commanders, and thoſe who ſhall hereafter be reſpectively nominated and conſtituted Knights Commanders or Companions, ſhall immediately after ſuch nomination tranſmit to the ſaid Sir George Nayler, a ſtatement of their reſpective military ſervices, verified by their ſignatures, in order that the ſame may be by him recorded in books appropriated to the ſaid Knights Commanders and Companions.

And his Royal Highneſs has alſo been pleaſed to approve, that Mr. William Woods be the Secretary appertaining to the ſaid Knights Commanders and Companions.

E. — Vol. II. p. 97.

The account of the ſtate of Debt, Income, and Expenditure terminating at the page above mentioned, is derived from Sir John Sinclair's Hiſtory of the Revenue. The papers laid before Parliament in 1817, furniſh the following ſtatement, as he amount of the Unredeemed Debt on the 1ſt of February in hat year.

	Capitals of Debt Unredeemed. £	s.	d.	Annual Charge for the Debt. £	s.	d.
Bank Capital at 3 per cent. - -	14,686,800	0	0	440,604	0	0
South Sea Stock -	3,662,784	8	6½	109,883	10	7¾
Old South Sea Annuities, 3 per cent.	5,788,470	2	7	173,654	2	1
New South Sea Annuities, 3 per cent.	4,013,830	2	10	120,414	18	1
3 per Cents, 1726 -	999,538	9	0	29,986	3	1
3 per Cents, 1751 -	880,600	0	0	26,418	0	0
3 per Cents, Consolidated - -	379,074,537	17	5¼	11,372,236	2	8¾
3 per Cents, Reduced	15,715,678	16	5	4,521,470	7	3½
4 per Cents - -	74,919,405	5	1	2,996,776	4	2¼
5 per Cents, Navy -	134,882,348	18	0	6,744,117	8	10¾
5 per Cents, 1797 and 1802 - -	1,058,503	5	6	52,925	3	3⅓
Imperial 3 per Cents	5,581,917	3	8	167,457	10	3½
Imperial Annuities, ending 1st May, 1819 - -	-	-	-	229,961	12	4
Long Annuities, ending 5th January, 1860 - -	-	-	-	1,354,544	12	0⅛
Life Annuities - -	-	-	-	225,254	13	0
				28,565,704	7	11½
Exchequer Annuities	-	-	-	44,559	15	5¼
Management - -	-	-	-	279,238	19	1¾
Sinking Fund - -	-	-	-	13,560,584	18	11½
Total unredeemed funded Debt of Great Britain payable in England	776,264,414	9	0¾	42,450,088	1	6
DEBT PAYABLE IN IRELAND IN ENGLISH CURRENCY.						
3½ per Cents - -	9,965,107	10	11	348,778	15	3¼
4 per Cents - -	626,446	3	1	25,057	16	11
5 per Cents - -	12,745,208	5	3	637,260	8	3¼
Life Annuities - -	-	-	-	44,001	4	7½
Sinking Fund - -	-	-	-	590,254	2	9
Total unredeemed Debt of Great Britain and Ireland - -	799,601,176	8	3¾	44,095,440	9	4

N. B.

	Capitals of Debt Unredeemed.	
N. B. Of the Iriſh debt payable in Ireland, there has been diſcharged by the Iriſh commiſſioners, leaving the debt as hereabove ſtated	£ s. d. 8,233,257 16 3	
Deduct, cancelled to defray the charge of Treaſury Bills raiſed in 1816	4,041,679 7 9	
Remains in the hands of the Iriſh commiſſioners -	4,191,578 8 6	

The total ſum of capital redeemed by life annuities, ſale of land tax, and purchaſes by the commiſſioners, is as follows, leaving the Debt unredeemed as on the other ſide:

	£.	s.	d.
For Great Britain - - -	340,087,225	13	3
Germany - - -	1,920,716	3	0
Portugal - - -	426,721	0	0
Eaſt India Company - -	900,523	0	0
	343,335,185	16	3
From which deduct the debt cancelled by land tax - - £. 25,290,994 s. 3 d. 4			
Cancelled to defray the charges on loans from 1812 to 1815, inclusive - - 251,738,858 0 0			
	277,029,852	3	4
Remains in the hands of the commiſſioners	66,305,333	12	11

Having been purchaſed in diſcharge of the following debts:—

	£.	s.	d.	£.	s.	d.
Of Great Britain -	63,057,373	9	11			
Germany - -	1,920,716	3	0			
Portugal - -	426,721	0	0			
East India Company - -	900,523	0	0			
				66,305,333	12	11
And in addition to the above, the finking fund has purchafed from the 1ft February to 1ft Auguft, 1817. - -				9,461,657	0	0

Which will make an addition to the finking fund of 283,849*l.* 14*s.* 2*d.* per annum.

So that the finking fund for the debt payable in England amounts on the 1ft of Auguft, 1817, to 13,844,434*l.* 13*s.* 1½*d.* per annum.

F. — Vol. II. p. 200.

In the progrefs of the late war, the annihilation of all oppofing navies enabled the Britifh government to reduce this great fource of our ftrength and glory. Accordingly, in 1813, there were only 535 veffels of war in commiffion, and 67 hired cutters, troop fhips, and ftationary veffels. In 1815 there were only 403 of the former, and 33 of the latter defcription, and in 1817, peace being completely re-eftablifhed, there were of the former 110, and of the latter 75.

G. — Vol. II. p. 207.

The diftribution of prizes was confiderably altered during the late wars; but it is now little neceffary to detail the particulars, as, whenever hoftilities are renewed, there will probably be a new proclamation on the fubject.

H. — Vol. II. p. 374.

The general view of the army is left as it was originally compofed: feveral alterations were effected in its compofition during the war; but the great reduction which has taken place fince the peace renders it unneceffary to trace thofe changes with minute accuracy. The fyftem of enlifting for life was broken in upon, by permitting an engagement for a term of years, and the benefits to the military on retiring were much increafed: the additional force (p. 347.) was fuperfeded by the local militia: many barracks have been taken down and the materials fold, and the whole force brought down to a number calculated

calculated to afford ſecurity without inſpiring alarm at home, in addition to the number indiſpenſably retained to fulfil our continental engagements. The effective ſtrength of the Britiſh army at home and abroad, excluſive of artillery, on the 25th of April, 1817, was as follows: —

Officers - - - - -	7,623
Serjeants - - - - -	8,811
Trumpeters or Drummers - - -	3,561
Farriers - - - - -	338
Rank and file - - - - -	134,699
Total	155,032
The total of the artillery was	11,833
	166,865

In the above ſtatement the Cape of Good Hope regiment, the Ceyloneſe regiments, and Black Pioneers, are not included, as they are paid by the colonies in which they are ſerving. Theſe troops conſiſt of 201 officers, 239 ſerjeants, 86 drummers, and 3,854 rank and file.

I. — Vol. II. p. 495.

The affairs of the court of chancery, together with the judicial buſineſs devolving on the chancellor in the houſe of lords, having been found to be too great for him to execute without further aſſiſtance, it was enacted by the 53 George III. c. 24. that His Majeſty may, by letters patent, appoint a barriſter of fifteen years' ſtanding, to be an additional judge, aſſiſtant to the lord chancellor, to hold his ſituation during good behaviour, and to be called *The* VICE CHANCELLOR *of* ENGLAND. He has power to hear and determine all cauſes, matters, and things depending in the court; and all his decrees, orders, and acts are valid and effectual, ſubject, however, to reverſal by the chancellor, and not to be enrolled until ſigned by him; nor are they to diſcharge, reverſe, or alter any decree or other thing done by the lord chancellor, or by the maſter of the rolls. The vice chancellor has precedence next to the maſter of the rolls, and takes an oath for the due execution of his office. He has a ſecretary, train-bearer, uſhers, and other officers, whoſe ſalaries are ſecured by a ſtatute in the 55th year of the King, and a handſome building is erected in Lincoln's Inn, where he holds his ſittings.

K. — Vol. II. p. 545.

Many obſervations having been made both in print, in parliament, and in other places, on the ſeverity of the law in conſigning debtors, who could neither pay nor compound with their creditors, to perpetual impriſonment, the legiſlature in 1813 paſſed ſeveral acts for the permanent relief of inſolvent debtors, and formed a court for judging of their claims. The ſyſtem eſtabliſhed by theſe acts is, that any debtor who has been in cuſtody three months, may, upon giving certain notices to his detaining and other creditors, apply to the court and obtain his diſcharge, which, if granted, will free his perſon, but not his future effects from all proceſs upon account of debts he then may owe. To obtain this privilege, he muſt preſent a true ſchedule of all his debts, and of all his eſtate and effects, of what nature or kind ſoever, all which, except wearing apparel and neceſſaries, not exceeding in value twenty pounds, muſt be aſſigned to a perſon to be nominated by the court, to be diſtributed among the creditors of the inſolvent. It is in the power of the commiſſioner or judge under this act, if the inſolvent is proved to have been guilty of any fraud in his dealings, any concealment of his effects, or to have contracted debts when he had no probability of paying them, or committed waſte of his property, to refuſe his application; and, in that caſe, he is remanded for five years. Theſe acts are to be in force until the firſt of November 1818, and from thence till the end of the then next ſeſſion of parliament. Whether they will then be ſuffered to expire, or whether the ſyſtem will be modified and reviſed, the wiſdom of the legiſlature, guided by experience, will be able to determine.

L. — Vol. II. p. 562, to the end.

That portion of the work which is intitled "Criminal Law," was drawn up long ago, and at a time when I had no practical acquaintance with the ſubject. In general I have followed the track of a very learned author, whom it is always ſafe to rely on, Sir Edward Hyde Eaſt; but ſome things which I had overlooked, and ſome in which the progreſs of ſociety and of legiſlation has effected changes, will be noticed in this Appendix, in the order in which they ſhould have ſtood in the work itſelf.

Court of Admiralty, p. 564. It ſhould be added, that as the juriſdiction of the commiſſioners appointed under the original ſtatute, was confined to the offences therein enumerated, viz. *treaſons*, *felonies*, *robberies*, *murders*, and *confederacies*. The

ſtatute 39 George III, c. 37. extends the proviſions of this early enactment to *every offence* committed upon the high ſeas, out of the body of any county of the kingdom. And as perſons tried for murder under the firſt-mentioned act, could not be found guilty of manſlaughter, and, therefore, when the circumſtances reduced the crime to that offence, were acquitted entirely, the 39 George III. c. 37. enacts, that where perſons tried for murder or manſlaughter, committed on the high ſeas, are found guilty of the latter offence only, they ſhall be ſubjected to the ſame puniſhment as if they had committed ſuch manſlaughter within the juriſdiction of the ordinary tribunals. The 43 George III. c. 113. ſ. 2. and 3. provides, that any perſon wilfully caſting away any veſſel, &c. or procuring it to be done, ſhall be guilty of felony without benefit of clergy; and ſhall, if the offence were committed on the high ſeas, be tried, &c. by a ſpecial commiſſion, as directed by ſtatute 28 Henry VIII. c. 15. Acceſſaries before the fact, on ſhore, to the wilful deſtruction of a ſhip on the high ſeas, were not triable by the admiralty juriſdiction under 11 George I. c. 29. ſ. 7. But now by the ſtatute 43 George III. c. 113. which repeals the ſtatutes 4 George I. c. 12. ſ. 3. and 11 George I. c. 29. ff. 5, 6, and 7. it is enacted, "That if any perſon ſhall wilfully caſt away, burn, or otherwiſe deſtroy, any veſſel, or in any wiſe counſel, procure, or direct the ſame to be done, and the ſame ſhall be accordingly done, with intent to prejudice any owner of the veſſel, or of her cargo, or any underwriter on the ſame, he ſhall ſuffer death without clergy: the principal to be tried by the common law court, or in the admiralty court, as the offence ſhall be reſpectively committed within the body of a county or on the high ſeas; and that acceſſaries before the fact, whether the principal felony be committed within the body of a county, or on the high ſeas, may be tried by the common law courts, if the principal felony was committed within the body of a county, and by the admiralty court, if committed on the high ſeas; but the acceſſary ſhall not be tried more than once for the ſame offence."

Compaſſing the death of the Prince Regent. In p. 583. In a ſtatute paſſed in the 57th year of the King, chap. 6., is the following clauſe, the occaſion of which is ſo well ſtated in the introductory part that it needs only this additional fact, that the outrages alluded to were the lawleſs acts of a tumultuous aſſembly of the people, collected in St. James's Park, and who beſet the carriage of his Royal Highneſs in his way to Parliament and on his return, and aſſailed him, not only with opprobrious exclamations, but with ſtones and other miſſiles: no doubt

was

was entertained but that this violence proceeded from the inſtigation of dangerous and wicked adviſers, and that the ſtatute which paſſed on the occaſion, was highly expedient. It ſtates that in conſequence of the daring outrages offered to the perſon of his Royal Highneſs the Prince Regent of the United Kingdom of Great Britain and Ireland, in the exerciſe and adminiſtration of the royal power and authority to the crown of theſe realms belonging, in his paſſage to and from the Parliament, at the opening of this preſent ſeſſion, it is expedient for the ſecurity and preſervation of the perſon of the ſame, his Royal Highneſs the Prince Regent, to extend certain of the proviſions of the ſaid act; and enacts, That if any perſon or perſons during the period in which his Royal Highneſs ſhall remain in the perſonal exerciſe of the royal authority, ſhall, within the realm or without, compaſs, imagine, invent, deviſe, or intend death or deſtruction, or any bodily harm tending to death or deſtruction, maim or wounding, impriſonment or reſtraint, of his perſon, and ſuch compaſſings, imaginations, inventions, deviſes, or intentions, or any of them, ſhall expreſs, utter, or declare, by publiſhing any printing or writing, or by any overt act or deed, being legally convicted thereof upon the oaths of two lawful and credible witneſſes upon trial, or otherwiſe convicted or attainted by due courſe of law, then every ſuch perſon and perſons ſo as aforeſaid offending, ſhall be deemed, declared, and adjudged to be a traitor and traitors, and ſhall ſuffer pains of death, and alſo loſe and forfeit as in caſes of high treaſon.

Judgment in caſe of High Treaſon. In p. 593. The barbarous and diſguſting parts of this judgment are aboliſhed by the 54 Geo. III. c. 146.; and it is directed that the criminal ſhall be drawn on a hurdle to the place of execution, hanged by the neck, *until dead*, then beheaded and quartered.

Child-ſtealing. In p. 610. As the law ſtood, until very lately, there was no adequate puniſhment for the horrible and diſtreſſing crime of ſtealing or ſeducing away infants of tender years from their parents, nurſes, or the ſervants to whom they might be intruſted. The crime, although not of every day's occurrence, was not ſo unfrequent as to render proviſion againſt it ſuperfluous; and therefore by the 54 Geo. III. c. 101., it is enacted that if any perſon ſhall maliciouſly, by force or fraud, lead, take, or carry away, or decoy or entice away, any child under the age of ten years, with intent to deprive its parent or parents, or any other perſon having the lawful care or charge of ſuch child, of the poſſeſſion of ſuch child, by concealing and detaining ſuch child, or with intent to ſteal any article of apparel or ornament, or other thing of value

value or uſe, upon or about the perſon of ſuch child, or ſhall receive and harbour with any ſuch intent any ſuch child, knowing the ſame to have been ſo taken or decoyed away; every ſuch perſon or perſons, and his, her, and their accomplices, ſhall be guilty of felony, and ſubject to the penalties of grand larceny.

Embezzlement by Bankers, Brokers, and Agents. In p. 617. The growth of offences of this deſcription rendered it neceſſary to declare by 52 George III. c. 68. that if any perſon with whom as banker, merchant, broker, attorney, or agent, any order, bill, or ſecurity, for money or for ſtock of any deſcription ſhall be depoſited for ſafe cuſtody, or for any ſpecial purpoſe, without authority to ſell or diſpoſe of the ſame, ſhall ſell, negotiate, transfer, aſſign, pledge, embezzle, ſecrete, or in any manner apply to his own uſe, any ſuch ſecurity for money, effects, or the produce of ſuch ſecurity contrary to good faith, and with intent to defraud the owner, every ſuch perſon ſhall be deemed guilty of a miſdemeanour, and ſentenced to tranſportation for any term not exceeding fourteen years; or to receive ſuch other puniſhment as may by law be inflicted on a perſon guilty of a miſdemeanour. The like puniſhment is directed againſt thoſe bankers and others with whom any money, bill, note, draft, cheque, or order for the payment of money, ſhall be placed, with orders in writing, ſigned by the parties depoſiting the ſame, to inveſt ſuch money or the produce of ſuch bill, note, draft, cheque, or order as aforeſaid, in the purchaſe of ſtock or in other ſecurities, or for any other purpoſe ſpecified in ſuch orders; if he ſhall apply to his own uſe any ſuch money, or any ſuch bill, note, draft, cheque, or order for money, in violation of good faith, and contrary to the ſpecial purpoſe ſpecified in the order in writing before mentioned.

And no proceeding under this act deprives the party injured of any remedy at law or in equity.

Stealing linen, &c. from bleaching and other grounds. In p. 618. By 51 George III. c. 41; the capital puniſhment directed by the 18th George II. c. 27 is repealed, and the offender may be tranſported for life, or not leſs than ſeven years, or impriſoned and kept to hard labour for ſeven years or leſs.

Stealing privately from the perſon. In p. 632. The penalty of death for this offence is repealed by 48 George III. c. 129; which, however, enacts, that every perſon who ſhall ſteal from the perſon of any other, whether privily without his knowledge or not, but without ſuch force or putting in fear as is ſufficient to conſtitute the crime of robbery, or who ſhall be preſent, aiding

aiding and abetting therein, ſhall be liable to be tranſported for life, or for ſuch term not leſs than ſeven years as the judge or court before whom any ſuch perſon ſhall be convicted, ſhall adjudge; or ſhall be liable, in caſe the ſaid judge or court ſhall think fit, to be impriſoned only; or to be impriſoned and kept to hard labour for any term not exceeding three years.

Frame breaking. In p. 664. Among the conſpiracies which have been deviſed in late years, was one, of a moſt alarming and dangerous deſcription, carried on in thoſe parts of the kingdom, where ſtockings and other kinds of work were woven by means of machinery or frames. Clubs and aſſociations were formed, and the individuals bound to each other by deep and dreadful oaths; they fixed on certain perſons as objects of their vengeance, and went to their premiſes by night, diſguiſed, and deſtroyed the machinery to which they fooliſhly or falſely aſcribed the want of work, diſtreſs or calamity, which they felt or feigned. To prevent theſe diſorders, the ſtatute 52 George III. c. 16. enacts, That if any perſon ſhall, by day or by night, enter by force into any houſe, ſhop, or place, with an intent to cut or deſtroy any frame-work, knitted pieces, ſtockings or lace, or other articles or goods being in the frame, or upon any machine or engine; or with intent to break or deſtroy any frame, machine, engine, tool, inſtrument, or utenſil uſed in working or making any ſuch frame-work or goods; or ſhall deſtroy, or cut with an intent to deſtroy or render uſeleſs, any frame-work, knitted pieces, ſtockings, lace, or other goods being in the frame, or prepared for that purpoſe; or ſhall break, deſtroy, or damage, with intent to deſtroy or render uſeleſs, any frame, machine, engine, tool, inſtrument or utenſil, uſed in and for the working and making of any ſuch frame-work, knitted pieces, or goods; or ſhall break or deſtroy any machinery contained in any mill or mills, uſed in preparing or ſpinning of wool or cotton, or other materials for the uſe of the ſtocking or lace manufactory, he ſhall be adjudged guilty of felony, without benefit of clergy; and the owner of any property ſo broken or deſtroyed, omitting to give information to magiſtrates within proper time, is made guilty of a miſdemeanour.

Unlawful oaths. To prevent the adminiſtering and taking ſuch oaths as are above alluded to, it is enacted by 52 George III. c. 104. that every perſon who ſhall in any manner or form, adminiſter or cauſe to be adminiſtered, or be aiding or aſſiſting at the adminiſtering of any oath or engagement, purporting or intending to bind the perſon taking the ſame to commit any treaſon or murder, or any felony, puniſhable by law with death, ſhall, on conviction, be adjudged guilty of felony, without benefit

benefit of clergy; and every perſon who ſhall take any ſuch oath or engagement not being compelled thereto, ſhall be adjudged guilty of felony, and tranſported for life, or for ſuch term of years as the court ſhall adjudge. And compulſion ſhall not juſtify or excuſe any perſon taking ſuch oath or engagement, unleſs he ſhall, within fourteen days, if not prevented by actual force or ſickneſs, and then within fourteen days after ſuch hindrance ſhall ceaſe, declare the ſame, together with the whole of what he knows by information on oath before a juſtice of peace, or one of the ſecretaries of ſtate, or the council; or in' caſe the perſon taking ſuch oath or engagement ſhall be in actual ſervice, in his majeſty's forces by ſea or land, then by information to his commanding officers.

Pillory. In p. 727. By the 56 George III. c. 138. this mode of puniſhment is taken away in all caſes, except perjury and ſubornation, and fine or impriſonment is ſubſtituted.

Corruption of blood. In p. 729. But by 54 George III. c. 145, no corruption of blood ſhall enſue, except on conviction of high-treaſon, petit-treaſon, or murder.

M. — Vol. III. p. 70.

DOWNING COLLEGE. In 1717, Sir George Downing, of Gamlingay Park, in the county of Cambridge, bequeathed all his eſtates to truſtees, to purchaſe out of the rents ſome piece of ground in Cambridge, for the purpoſe of building a College, to be named Downing College: and that a Charter Royal ſhould be obtained for the purpoſe. The teſtator lived until 1749, and it was not until 1769, that a decree of the Court of Chancery was obtained for carrying his will into effect. In 1800, the truſtees were enabled to purchaſe land, and then, His Majeſty's charter having been obtained, an act of parliament paſſed, empowering the truſtees fully to complete the intentions of the teſtator.

This houſe differs, in ſome reſpects, from the other colleges. It conſiſts of a maſter, a profeſſor of the laws of England, and one of medicine, together with ſixteen fellows and ſix ſcholars, with 50*l.* a year, to laſt only four years. The maſter is to be choſen by the Archbiſhops of Canterbury and York, and the maſters of St. Johns and Clare Hall; but always from among thoſe who either are or were profeſſors or fellows of this college. Theſe rules are to be obſerved after the completion of the college, and have been thus far attended to. The profeſſors muſt be choſen, according to certain rules and deſcription of character given in the charter, from the colleges of Cam-

Cambridge or Oxford; and a gentleman of a Scotch Univerſity may alſo be choſen to be a profeſſor of medicine: ſcholars and fellows are to be choſen, and lectures given, as in the other colleges, when the houſe is completed. Profeſſors are to give their lectures, not as the old college profeſſors, merely to the members of the college, but to the univerſity at large, on receiving the proper terms for admiſſion. With reſpect to the fellows, it is provided, that two only ſhall be in holy orders; of the others it is required, that at a certain period fixed by the charter, they either become barriſters of law, or doctors of phyſic. The maſterſhip and profeſſorſhips are for life, and poſſeſſed of the ſame privileges as other eſtabliſhments of the kind in the univerſity: the fellowſhips are reſigned by marriage, or, at all events, at the end of twelve years, unleſs they have a licence to hold them longer. The maſter's lodge, and the reſidence of the profeſſor of medicine are almoſt finiſhed; and it will be evident to every one, by the preſent beginning, that the intention is to make a moſt magnificent building. It will conſiſt of one large ſtone-faced quadrangle, more ſpacious than that of Trinity College; the ſouth ſide will be 500 feet long. It will be compoſed of the Keton ſtone. The maſter's lodge is an elegant ſpecimen of the Ionic order: the entrance of the college will be of the Doric: and theſe two orders will run through the whole quadrangle. On the foundation day, 18th May, 1807, a ſermon was preached on the occaſion, and a proceſſion made to the Senate-houſe, where a Latin oration was delivered by one of the fellows: then followed the ceremony of laying the firſt ſtone, and of pronouncing the benediction. A Latin inſcription on the braſs plate upon the foundation ſtone, commemorates the founder.

N. —Vol. III. p. 470.

WATERLOO BRIDGE. Many years ago a project was formed for erecting a bridge acroſs the Thames, in ſuch a ſituation as to form an eaſy communication between the parts of Surrey adjacent to St. George's Fields, and the portion of the metropolis neareſt to Covent Garden; but as no individual was ſufficiently wealthy or powerful to attempt ſuch an undertaking, the plan for a long time ſeemed to be abandoned. At length, by ſubſcription, a fund was raiſed, and an act of parliament obtained in 1809 for incorporating a joint-ſtock company, with powers to purchaſe land, remove houſes and other obſtacles, and complete the arrangements neceſſary for building a new bridge over the Thames, from the ſite of the ancient palace of the

the Savoy, to the oppoſite ſhore. The firſt ſtone was laid the 11th of October, 1811; and with ſurprizing celerity, conſidering the immenſe magnitude of the undertaking, this mighty work advanced to its completion. The fund originally calculated as ſufficient for all purpoſes was ſoon exhauſted, and it became neceſſary to raiſe additional ſums on terms highly diſadvantageous. At length, however, the ſtructure was completed. On the 18th of June, 1817, His Royal Highneſs the Prince Regent, arrived in ſtate by water from Whitehall, and amid the firing of cannon, the ringing of bells, and the acclamations of an immenſe multitude, preſided at the ceremony of throwing open this incomparably beautiful and magnificent bridge. By the original act of incorporation it was to have been called the Strand Bridge; but a new act of Parliament having been required for ſome temporary purpoſe, the opportunity was ſeized, and the name changed for that of Waterloo, in commemoration of the moſt ſplendid achievement of modern times. The day of opening the bridge was the anniverſary of that ever memorable day, and the hero who gained it graced he ceremony with his preſence.

The following particulars are given as a deſcription of the bridge.

	Feet.
The length of the ſtone bridge within the abutments	1242
Length of the road ſupported on brick arches on the Surrey ſide of the river	1250
Length of the road ſupported on brick arches on the London ſide	400
Total length from the Strand, where the building begins, to the ſpot in Lambeth, where it falls to the level of the road	2890
Width of the bridge within the baluſtrades	42
Width of pavement or foot way, on each ſide	7
Width of road for horſes and carriages	28
Span of each arch	120
Thickneſs of each pier	20
Clear waterway under the nine arches, which are equal	1080
Number of brick arches on the Surrey ſide	40
Number of ditto on the London ſide	16

The whole of the outſide courſes of the bridge is Corniſh granite, except the baluſtrades, which are of Aberdeen granite; and the ſtones, like thoſe of the Temple of Solomon, were cut to their form before they were brought to the ſpot. There are 320 piles driven into the bed of the river under each pier; the length of each pile from 19 to 22 feet, and the diameter about 13 inches: there is one pile to every yard ſquare. The ſcientific manner in which the centres are conſtructed was admir-

admirable; and as all the arches were of the ſame ſize, the centres were removed from thoſe that were finiſhed, and placed on the piers where the arches were not yet thrown: this was an operation which required great ſkill and care, and was very ably executed. When the centres were removed, ſo ſolidly and well was the maſonry conſtructed, that in the middle they only ſunk about one inch. Thoſe of the Pont de Neuilly, in France, ſix miles from Paris, which are nearly ſimilar, ſunk about 13 inches in the middle, after the centres were taken away. The four toll-lodges are neat appropriate Doric ſtructures, and there is an ingenious contrivance for keeping a continual check on the toll-collectors by means of an index which is acted upon by the foot of every paſſenger who goes through the toll-gate.

VAUXHALL BRIDGE. This bridge, alſo the effect of a joint-ſtock ſubſcription, was begun in 1813, the firſt ſtone being laid by Prince Charles, eldeſt ſon of the Duke of Brunſwick, and completed in 1816. It conſiſts of nine caſt-iron arches, with piers formed by a wooden frame as a foundation, faced with Kentiſh rag-ſtone, and Roman cement. It opens an eaſy communication to the inhabitants ſouth of the Thames, with the houſes of parliament and courts of law; and alſo through Tothill Fields, with Pimlico, Chelſea, and their populous neighbourhoods.

SOUTHWARK BRIDGE. This ſtructure is yet unfiniſhed. It is intended to form a communication between Bankſide, Southwark, and the bottom of Queen-ſtreet, Cheapſide. It conſiſts of three arches only, of caſt-iron, on maſſy ſtone piers and abutments. The centre arch is 240 feet ſpan, and the two ſide arches 210 feet each.

O. — Vol. III. p. 512.

Newgate. It ſhould be obſerved, that debtors are no longer confined in this priſon, but in Giltſpur-ſtreet compter; and to this latter priſon, p. 513., felons are now only committed before trial, but not confined there after conviction.

P. — Vol. III. p. 525.

PENITENTIARY. The plan of puniſhing criminals in ſuch a way as ſhould ſtill ſecure their perſons and their labours to the country, while by care and prudent management a reform might be effected in their morals, had long engaged the attention of government. In 1794, an act had paſſed for the erection of a penitentiary houſe or houſes, and land had been purchaſed of the Marquis of Saliſbury at Milbank; but

no progreſs had been made toward the formation of a building, when in 1812 a more digeſted plan was ſubmitted to the legiſlature, and incorporated and improved in the ſeveral ſtatutes of the 52 Geo. 3. c. 44.; 53 Geo. 3. c. 162.; and 56 Geo. 3. c. 63.

By the firſt of theſe acts His Majeſty was empowered to appoint three perſons with the title of ſupervifors to carry the intentions of the legiſlature into effect, and to controul and direct the erection of the building; the land which had been purchaſed in the name of Jeremy Bentham, Eſq., was veſted in the crown, and Mr. Bentham was ordered to be indemnified for any loſs he might ſuſtain. The building was firſt intended for convicts in London and Middleſex, but thoſe from other parts of England and Wales might alſo be received, and for their reception proviſion is made by the ſtatute laſt alluded to. The ſupervifors were empowered to provide for the accommodation and employment of four hundred male and as many female convicts. A committee is appointed for the management of the houſe, by the King in council, the number not being more than twenty, nor leſs than ten fit and diſcreet perſons, with power to hold meetings, and make bye-laws and rules for regulating their own meetings, and for the government of the ſaid penitentiary, and for receiving, ſeparating, claſſing, dieting, clothing, maintaining, employing, reforming, managing, treating, and watching the convicts during their confinement. Bye-laws, and rules and orders, not to have force until ſubmitted to the court of King's Bench, and until the judges have ſubſcribed a declaration, that they do not ſee any thing contrary to law in the ſaid bye-laws and rules; all alterations in which muſt be ſimilarly reviſed and certified. The committee may appoint viſitors, with power to act on emergencies; and they alſo appoint a governor, a chaplain, a ſecretary and examiner of accounts, a ſurgeon or apothecary, a maſter manufacturer, a ſteward; and alſo for that portion of the Penitentiary ſet apart for female convicts, a matron, together with ſuch taſk-maſters, and other officers and ſervants, as they, with the approbation of the Secretary of State for the Home Department, may think fit. The ſalaries are fixed, with the like approbation, by the committee. The governor is conſtituted a body corporate.

Felons convicted in any part of the kingdom, and ſentenced to tranſportation, may, if free from putrid or infectious diſtempers, be removed to the Penitentiary; and if the term of their ſentence be ſeven years, they are to be kept five years; if fourteen, ſeven years; and if it be for life, then ten years. A proportional reduction is directed in the caſe of thoſe who have already

already been impriſoned during part of their term before being ſent to the Penitentiary. The ſtatute regulates, in a very exact manner all that relates to the cuſtody, food, and employment of the priſoners, to their health, exerciſe, religious inſtruction, and many other particulars. Convicts eſcaping, are declared felons without benefit of clergy; thoſe who aid or permit their eſcape, or furniſh tools or other means toward effecting it, are alſo felons, but not deprived of clergy; and perſons intruſted with the cuſtody of them, negligently permitting their eſcape, are declared guilty of a miſdemeanour, puniſhable by fine and impriſonment.

A great portion of the building is finiſhed, and forms a ſtriking object, eſpecially from the Thames: ſtrength has been principally conſulted, but it is not without beauty, and is evidently well adapted to its purpoſes.

Q. — Vol. III. p.^e 548.

Drury Lane Theatre. On the 10th of October, 1812, a new theatre, built on the ſite of that which is already deſcribed, was opened to the public. This erection was long delayed owing to the conflicting rights, and overwhelming claims of the ground landlord, the patentees, the legatees of former proprietors, the old renters, the new renters, the aſſignees of ſhares and of arrears, the unpaid performers and tradeſmen, and all the numerous, unintelligible, and unſatiſfiable claimants who had been left, by the deſtruction of the old theatre, without hope of recovering their demands, except from the ſucceſs of a new one. Had all theſe perſons poſſeſſed funds to build a theatre, and had they been inclined ſo to employ them, they might have formed ſome arrangement for their general advantage; but although an act of parliament was obtained for rebuilding the theatre by a joint-ſtock company, it could not be expected that individuals would ſacrifice their money, without poſſibility of advantage, while the property was encumbered to an amount which they could never expect to ſee diſcharged. In theſe circumſtances, the late Samuel Whitbread, Eſq. undertook to negotiate the neceſſary arrangements, and by inceſſant and indefatigable exertions, prevailed on the various claſſes already mentioned to moderate and poſtpone their claims, and infuſed into the public ſo much confidence, that a ſubſcription was ſoon filled, which ſufficed for the building of the new theatre; the ſubſcribers receiving for their money ſhares in the property, with rights of free admiſſion, and ſome contingent advantages.

The

The beſt deſcription of this edifice which I have been able to obtain is derived from a periodical publication. The grand entrance is in Brydges Street, through a ſpacious hall, leading to the boxes and pit; this hall is ſupported by fine Doric columns, and illuminated by two large braſs lamps: three large doors lead from this hall into the houſe, and into a rotunda of great beauty and elegance. On each ſide of the rotunda are paſſages to the great ſtairs, which are peculiarly grand and ſpacious; over them is an ornamented ceiling, with a turret light. The body of the theatre preſents nearly three fourths of a circle from the ſtage. This circular appearance is partly an optical deception, and has the effect of making the ſpectator imagine himſelf nearly cloſe upon the ſtage, though ſeated in a centre box. The colour of the interior is gold upon green, and the relief of the boxes is by a rich crimſon. There are three circles of boxes, each containing 24 boxes, with four rows of ſeats, and ſufficient room between each; there are ſeven ſlip boxes on each ſide, ranging with the firſt gallery, and the like number of private boxes nearly upon a level with the pit. The boxes will hold 1200 individuals; the pit about 850; the lower gallery, 480; and the upper gallery, 280; in all, 2810 perſons may be accommodated. The entrance to all the boxes and pit is eaſy and ſecure. The theatre is indebted to Colonel Congreve for an excellent contrivance, which promiſes effectually to ſecure the building from fire. The appearance of the houſe is brilliant without being gaudy, and elegant without affectation. The fronts of the boxes have all diverſified ornaments, which are neatly gilt, and give a variety and relief to the general aſpect. We muſt not omit the juſt praiſe which is due to the architect for thoſe arrangements which exclude the interruption cauſed by indecent perſons, and, by neceſſary attractions, draw off the noiſy and frivolous parts of the audience from the grave and ſober hearers. The grand ſaloon is 86 feet long, circular at each extremity, and ſeparated from the box corridors by the rotunda and grand ſtaircaſe. It has a richly gilt ſtove at each corner, over which are finely imitated black and yellow veined marble ſlabs as pedeſtals in the niches. The ceiling is arched, and the general effect of two maſſy Corinthian columns of verd antique at each end, with ten correſponding pilaſters on each ſide, is grand and pleaſing. The rooms for coffee and refreſhments at the ends of the ſaloon, though ſmall, are very neat; they conſiſt of receſſes, Corinthian pilaſters, four circular arches ſupporting domes with ſkylights, from which glaſs lamps are ſuſpended. On the north ſide of the theatre is the wardrobe. The retiring rooms for the ſtage boxes are decorated with rich crimſon

crimſon carpets, and with deep crimſon emboſſed paper. The private boxes have no anti-chambers. There are ſeventeen rows of ſeats in the pit, with four ſhort ones, in conſequence of the orcheſtra making two projections into it. The orcheſtra is about eight feet wide, and extends nearly the whole width of the pit. The ſtage is about thirty-three feet wide, the proſcenium nineteen and a half, and the whole conſtructed ſo as to render the circular appearance of the theatre nearly complete. The part uſually appropriated to doors, was occupied by two very fine and large lamps, with tripods on triangular pedeſtals, each lamp containing a circle of ſmall burners, but they were afterwards removed. In the ſpace above their poſition are two ſtage boxes on each ſide, forming an acute angle with the ſtage, and above them are niches with ſtatues. The ſpace over the ſide boxes, and ranging with the upper gallery, is left entirely open; hence the more perfect tranſmiſſion of ſound to the remoteſt parts of the houſe, where the loweſt whiſper may be diſtinctly heard. Between the pedeſtal lamps and the curtain, on each ſide, is a maſſy *Corinthian* column of verd antique, with a gilt capital ſupporting the arch over the ſtage, in the circle of which are the arms of His Majeſty. Correſponding with theſe columns are three pilaſters ornamented with connected rings entwined with grapes and vine leaves all richly gilt. Upon the whole the edifice and the decorations diſcover a truly Engliſh and highly cultivated taſte; they do great honour to the architect, Mr. Wyatt, and to the gentlemen who have conducted the undertaking.

R.—Vol. III. p. 553.

ENGLISH OPERA. Under this name, a theatre, licenſed by the Lord Chamberlain, has been formed, at the place where the Lyceum formerly ſtood in the Strand. It is of ſmall ſize, and is kept open during the ſummer months, for the performance of operas, farces, melo-dramas and pantomimes.

It may here be mentioned that this theatre was lighted in 1817, by means of gas, a new contrivance, daily more and more adopted, for giving a clear, ſteady, and beautiful light to ſtreets, buildings, and rooms, by inflaming the gas obtained from ſea-coal, and conveyed to the required places through metallic pipes. The illumination at the Engliſh Opera-Houſe is comparatively feeble and poor; that at Covent Garden Theatre is rich, copious, and ſplendid; but the great luſtre at the King's Theatre in the Haymarket is, perhaps, the moſt ſuperb artificial light that ever was ſeen.

Bethlem,

S. — Vol. III. p. 630.

Bethlem. The building here deſcribed has been taken down, and a new ſtructure of brick, of great extent, beauty, and convenience, has been erected on a ſpot in St. George's Fields which was formerly occupied by a houſe and gardens of infamous reputation, called The Dog and Duck.

U.—Vol. IV. p. 19—127.

A Table ſhowing the Population of Scotland, according to the two returns made to Parliament in 1801, and 1811; the numbers in the fourth volume having been taken from the ſpeculative reports of a ſtatiſtical writer.

COUNTIES.	1801.		1811.	
	HOUSES.	INHABIT.	HOUSES.	INHABIT.
Aberdeen	9,610	52,064	10,267	58,863
Argyll	3,705	21,265	3,702	22,670
Ayr	8,120	49,412	8,667	60,129
Bamff	2,346	10,907	2,390	11,018
Berwick	2,757	14,677	2,672	14,761
Bute	771	6,106	602	4,388
Caithneſs	1,676	7,614	1,592	8,542
Clackmanan	1,556	8,175	1,480	8,701
Cromarty, ſee Roſs and Cromarty				
Dumbarton	1,271	7,174	1,260	8,246
Dumfries	4,144	21,654	4,657	25,623
Edinburgh	11,589	94,318	9,884	115,861
Elgin	2,749	11,814	2,742	12,227
Fife	9,475	55,172	9,862	60,441
Forfar	12,946	63,081	8,727	69,751
Haddington	3,107	16,832	3,106	17,525
Inverneſs	2,532	14,977	2,772	17,567
Kincardine	799	3,647	845	3,682
Kinroſs	390	2,124	399	2,214
Kirkcudbright	738	4,665	785	5,356
Lanark	21,013	104,172	23,592	131,537
Linlithgow	1,814	11,702	1,958	12,781
Nairn	547	2,215	622	2,504
Orkney and Shetland	952	5,606	964	5,961
Peebles	790	3,829	834	4,589
Perth	10,109	58,600	13,580	64,965
Renfrew	4,812	53,354	5,441	62,654
Roſs and Cromarty	3,713	18,244	4,167	20,173
Roxburgh	2,132	13,453	2,218	15,682
Selkirk	573	2,942	623	3,452
Stirling	5,389	30,973	5,658	36,384
Sutherland	1,327	6,983	1,538	7,463
Wigtown	2,106	10,349	2,264	11,711
Total	304,090	1,599,068	315,422	1,805,688

POLITICAL STATE

OF THE

BRITISH EMPIRE.

IT is intended in this work to exhibit a general view of all thoſe ſubjects which are connected with, or which contribute to the grandeur of the Britiſh crown, or the intereſt and happineſs of the people. In this reſearch will be included, ſo far as the information and induſtry of the author enable him, the moſt important, political, ſocial, moral, and commercial inſtitutions, the eſtabliſhments, and poſſeſſions, which moſt influence the welfare of the nation, whether the property of the public, or of individuals, or chartered bodies, whether derived from nature, or acquired by art or ingenuity, whether the produce of the country, or gained in other lands by diſcovery, acceſſion, or conqueſt.

In order to methodize this work, it has been thought proper to adopt ſome general diviſions, with ſuch ſubdiviſions as will bring under the conſideration of the reader, the chief topics of intereſt in the propoſed detail.

The general diviſions are theſe:—1ſt, England and Wales; 2d, Scotland; 3d, Ireland; and 4th, The Colonies, Iſlands, or detached poſſeſſions of Great Britain, in all parts of the world.

FIRST GENERAL DIVISION.

ENGLAND AND WALES.

THAT diviſion of the iſland of Great Britain containing England and Wales, which united, have formed the patrimony of its monarchs from the time that her hiſtory began to aſſume a reſpectable figure among the annals of nations, is ſituated

between 50 and 56 degrees north latitude, and between 2 degrees eaſt, and 6 degrees 20 minutes weſt longitude.

Its ſhape is triangular; the longeſt ſide from Berwick north, to the Land's End ſouth-weſt, is 386 miles; from Berwick to Sandwich, S. S. E. about 280 miles; from Sandwich eaſt, to the Lands End weſt by ſouth, 279 miles; and the perpendicular from Berwick to Portſmouth, north and ſouth, 320 miles. It is bounded on the eaſt by the German Ocean; on the ſouth by the Engliſh Channel; on the weſt by St. George's Channel; on the north by the Cheviot Hills, by the river Tweed, and an ideal line, falling ſouth-weſt down to the Firth of Solway.

The extent of England and Wales in ſquare ſtatute miles, is computed at 58,335, or 37,334,400 acres. The population, according to the returns made in purſuance of an act of Parliament paſſed in the year 1801, was, in England, 8,606,400 perſons; in Wales, 559,000; total, 9,165,400. This population, divided into equal portions, will afford a general average of 157 perſons to each ſquare mile; but in the ſubſequent enumeration of counties, the ſeparate population of each will be noticed, together with that of certain large manufacturing or trading cities and towns. The houſes in England and Wales are 1,687,355.

The climate of England is healthy, though uncertain; frequent changes happen in the weather, and thoſe ſudden and unexpected, which render the harveſts, eſpecially in the northern counties, precarious; yet it rarely happens, but with care and attention, the induſtrious huſbandman will be rewarded by a profitable crop. The ſoil of England is various; wheat, barley, oats, rye, French wheat, beans and peas, are the principal productions. Many counties produce apples and pears, from which cyder and perry are made; other fruits have been introduced, plums, cherries, peaches, nectarines, apricots, figs, grapes; and others are, by care and ſkill, raiſed in plenty and variety. The oak and beech are natives of England; the elm, moſt probably, ir an exotic; but moſt of the plants in the known world are introduced either into the plantation, the nurſery, or the green-houſe. Among the wild animals formerly, were wolves, bears, foxes, deer, and badgers. The firſt two have been totally deſtroyed, the others remain. Among the domeſtic animals are black cattle, horſes, ſheep and hogs. In the different parts of the kingdom are mines of copper, iron, lead, tin, and coals; with quarries of marble, free-ſtone, lime-ſtone, and ſlate. The manufactures are various and extenſive including every article made of wool, cotton, flax, ſilk and leather; and of iron, ſteel, and other metals. Of theſe notice will be taken in deſcribing the various counties.

The

The ancient geographical diviſions of England varied according to the genius, knowledge, or inclinations of its poſſeſſors.

The Romans, finding the country divided into a number of ſmall ſtates, formed it into large provinces; viz.

1. *Britannia prima*, which contained the ſouthern parts of England as far as the Severn and the Thames.

2. *Britannia ſecunda*, containing the weſtern parts, and comprehending modern Wales.

3. *Flavia Cæſarienſis*, a noble province, which received its denomination from the imperial houſe of Veſpaſian, and extended from the Thames to the Humber; and

4. *Maxima Cæſarienſis*, which reached from the Humber to the Tyne, and from the Merſey to the Solway.

When the power and protection of the Romans were withdrawn from England, the Saxons, firſt invited as allies, became the oppreſſors and conquerors of the natives, and dividing the realm into ſeven governments, eſtabliſhed the authority of as many kings, whoſe domination did not however extend to Wales, but was compoſed of the following parts, each including the portion of territory aſſigned to it. This ſtate was called the *Heptarchy*, and it is to be obſerved that the deſcription of the poſſeſſions of each king is given in the names which the counties afterwards received.

1. KENT, comprehending Kent.

2. SUSSEX, or SOUTH SAXONS, comprehending Suſſex and Surrey.

3. EAST ANGLES, comprehending Norfolk, Suffolk, and Cambridgeſhire, with the Iſle of Ely.

4. WESSEX, or the WEST SAXONS, comprehending Cornwall, Devonſhire, Dorſet, Somerſet, Wiltſhire, Hampſhire, and Berkſhire.

5. NORTHUMBERLAND, comprehending Lancaſhire, Yorkſhire, Durham, Cumberland, Weſtmorland, Northumberland, and the parts of Scotland to the Frith of Edinburgh.

6. ESSEX, or the EAST SAXONS, comprehending Eſſex, Middleſex, and Hertfordſhire in part.

7. MERCIA, comprehending Glouceſter, Hereford, Warwick, Worceſter, Leiceſter, Rutland, Northampton, Lincoln, Huntingdon, Bedford, Buckingham, Oxford, Stafford, Derby, Salop, Nottingham, and the reſt of Hertford.

This ill contrived government being diſſolved by the union of the whole kingdom under one ſovereign, the powerful genius of ALFRED pointed out the neceſſity, and conceived the means, of forming a better and more regular diviſion, without which, thoſe wiſe and benevolent inſtitutions which he had

prepared for the welfare of his people; muſt have failed. It was he, according to the beſt authorities, who firſt portioned out the land into ſhires or counties; the firſt name being derived from a Saxon word, which ſignifies a ſeparation, or part cut off; the latter from the dignity of the officer, an earl (comes) who in times prior to thoſe of Alfred, preſided over ſeparate diſtricts, under the kings of the Heptarchy. The number of ſhires firſt eſtabliſhed by this great monarch, amounted to no more than 32,—Durham, Lancaſhire, Cornwall, Rutlandſhire, Monmouthſhire, Northumberland, Weſtmorland and Cumberland, were ſubſequently added, making the number 40, and when the principality of Wales was annexed to the realm, and divided into 12 counties, the preſent number 52 was completed *.

Beſide this great diviſion, the ſagacious and patriotic Alfred, further ſubdivided the realm into trythings, (now corruptly called Ridings, and retained only in Yorkſhire,) rapes, lathes, wapentakes, and hundreds, which laſt were again divided into tythings. By theſe means, and the judicious eſtabliſhment of courts, and appointment of officers, together with a general ſyſtem of mutual reſponſibility, and an exact circumſpection, life and property were rendered ſecure, without the impoſition of any reſtraint on liberty.

As the effect and operation of this admirable ſyſtem will be more fully developed in the enſuing pages, it will in this place be proper to enumerate the ſeveral counties of England and Wales, with the peculiar characteriſtic features of each. They are ſubjoined in alphabetical order, as affording the moſt eaſy means of general reference.

Angleſea

Is a county of Wales, and returns two members to Parliament, one for the ſhire, and one for the town of Beaumarais.

Its modern name is derived from two old Engliſh words, *Engles Ea*, ſignifying the Engliſh iſland, an appellation which it received on being reduced under ſubmiſſion in the reign of Edward I. It was known to the Romans by the title of Mona,

* It is unneceſſary to enumerate among the counties, the peculiar local juriſdictions, as the Cinque-ports, or the cities and towns which by ſpecial grace and favour of kings, are governed by ſheriffs and magiſtrates of their own, and privileged againſt thoſe of the county. Theſe cities and towns are ſeventeen, viz. London, Cheſter, Briſtol, Coventry, Canterbury, Exeter, Glouceſter, Litchfield, Lincoln, Norwich, Worceſter, York, Kingſton-upon-Hull, Nottingham, Newcaſtle upon Tyne, Pool, and Southampton.

and

and to the Saxons by that of Monez, both derived from the Britiſh Mon, but why they ſo diſtinguiſhed it, cannot be aſcertained; they alſo called it *Inys Dowyth*, or the ſhady iſland, for the ſame reaſon that the Romans alſo applied to it the appellation of *Inſula Opaca*, the great quantity of wood and foreſt with which it was covered. This circumſtance perhaps rendered Angleſea the favourite abode of the Druids, in whoſe form of worſhip, woods were eſſential; but in theſe days, the northern and weſtern parts are extremely naked of timber-like trees, nor does any ſtream of note take its riſe within the diſtrict.

This iſland is ſurrounded by the Iriſh Sea on all ſides except the S. E., where it is ſeparated from the main land of North Wales by the river Menai. Its length is eſtimated at 24 miles, its breath 14, and its circumference 60; its contents are 402 ſquare miles, or 257,280 acres. It is divided into ſix hundreds, namely, Llyſon, Malbraeth, Menai, Talybolion and Fyndaethwy; which contain 72 pariſhes and three towns, that of Beaumarais, already mentioned, Newburg, and Holyhead; the houſes are 6806, the inhabitants 33,806.

The air of Angleſea is reckoned healthy, and the ſoil is remarkably fertile in corn, cattle, and fowl, while the water affords abundance of fiſh. Diſperſed about the iſland are ſome monuments and remains of the Druids and the Romans, moſtly ſuppoſed to be ſepulchral or commemorative of the vain ſtruggles of the free though rude natives, againſt the invading Romans. Recent induſtry has added to the wealth of Angleſea, by the diſcovery and working of the almoſt inexhauſtible copper mines in the Paris Mountain near Amlweh.

BEDFORDSHIRE

DERIVES its name from its principal town, which town, as well as the county, returns two members to Parliament.

Bedfordſhire forms an irregular oval. The greateſt length is 35 miles, and the greateſt breadth 22; its circumference is 73 miles, and its area contains 430 miles, or 275,200 acres. It is divided into nine hundreds, called Barford, Biggleſwade, Clifton, Flitt, Manſhead, Redborne Stoke, Stodden, Hilley, and Abixambree; and theſe into 124 pariſhes, 10 townſhips, 3 hamlets, and one extra-parochial juriſdiction. The number of dwelling-houſes is 12,073, and of people 63,398. The chief towns are Bedford, which has 800 houſes, and 3948 inhabitants, Ampthill, Biggleſwade, Dunſtable, Potton, Luton, Leighton-Buzzard, Shefford, Wooburn, and Taddington. The principal rivers are the *Ouſe* and the *Ivel*.

The air is pure and healthy, the face of the country is in general varied with ſmall hills and dales, with few extenſive levels. Towards the ſouth, the land is hilly and chalky: on the weſt ſide, for the moſt part, flat and ſandy; the other diſtricts are a deep ſoil and clay. It produces excellent wheat and barley in great abundance, woad, a plant uſed by dyers, is alſo cultivated; and the ſoil affords fuller's earth, an article of ſo much importance to the woollen manufactory that the exportation of it is prohibited by act of parliament. The county alſo abounds in wool, butter, cheeſe, and poultry. Its manufactures are bone-lace, and hats, and many other articles of ornament and inferior utility, which the people form of ſtraw.

The antiquities or peculiarities of Bedfordſhire are little worth notice.—Roman urns and coins have been occaſionally diſcovered; a ſcanty and unprofitable gold mine is ſaid to exiſt at Pullux-hill, near Ampthill; and at Aſply, near Wooburn, is a ſpring which imperfectly performs the proceſs of petrifaction.

Berkshire.

The name of the county is Saxon, but the etymology uncertain. The ſhape is irregular, eſpecially towards the north, yielding every where to the winding of the Thames, which from Oxford to Reading, takes a courſe nearly ſouth ſouth-eaſt, making the county at the latter town very narrow. After the Thames has paſſed Reading, it bends towards the north, but ſtill the eaſtern part of the county is much narrower than the weſtern. From eaſt to weſt its length is about 50 miles; from north to ſouth in its wideſt parts 25 miles, in its narroweſt little more than five. In circumference it is 130 miles, and its contents are 744 miles, or 476,160 acres. Some of its towns are extremely populous; Abingdon has 889 houſes, and 4,356 inhabitants; Newbury 965 houſes, and 4275 people; Windſor 848 dwellings, and 4793 reſidents; and Reading 1783 houſes, and 9742 inhabitants. The other principal towns are Farringdon, Hungerford, Iſley, Lambourn, Maidenhead, Wallingford, Wantage, and Wokingham. The chief rivers are the *Thames*, *Iſis*, *Kennet*, *Ock*, *Lambourn*, and *Loddon*.

Berkſhire is divided into twenty hundreds, namely, Beynhurſt, Bray, Charlton, Crompton, Cookham, Faircroſs, Farringdon, Ganfield, Hormer, Kentbury-Eagle, Lambourn, Moreton, Ock, Reading, Ripplemere, Shrivenham, Sonning, Theale, Wantage, and Wargrave. The more minute diviſion is into 136 pariſhes, 42 townſhips, 5 towns, 10 tythings, 10 ham-

10 hamlets, 8 liberties, and 7 villages. The dwelling houſes are 21,195, the inhabitants 109,214.

The air is ſalubrious even in the vales; the ſoil is of various qualities, that of the vale of White Horſe being deemed equal to any in the kingdom, while in other parts it is far from fertile. Yet the natural advantages and beauties of this county, diverſified as it is with hill and valley, wood and water, have made it the favoured retreat of the noble and the opulent. The principal produce is corn, cattle, fiſh, fowl, wood and wool; the manufactures woollen cloth, canvas, and malt.

Two natural curioſities, if properly ſo called, are celebrated in this county. The river Lambourn, which, contrary to the cuſtom of all other rivers, is at its greateſt height in Summer, but in Winter is nearly, if not altogether, dry. The other curioſity is leſs properly termed natural, as it is certainly the work of human hands, but by whom performed or directed cannot be determined, although it ſeems clearly to be referred to the era of the Saxons. It is the rude figure of a white horſe occupying nearly an acre of land in the ſide of a green hill, near Aſhbury. The hill and adjacent vale are thence termed White Horſe hill, and the vale of White Horſe.

The paucity of natural curioſities is compenſated by the numerous beauties collected in the royal caſtle of Windſor, and in the many elegant ſeats of the nobility and gentry.

The manor of Eaſt and Weſt Enbourne, near Newbury, is rendered remarkable by a cuſtom reſpecting the copy-hold lands of widows, who forfeit them on marrying, but who, if guilty of incontinence, can be re-admitted to the tenure of their eſtates by appearing in the lord's court, riding, by way of penance, on a black ram, and repeating certain coarſe and harſh rhymes, which may be found in many publications, and particularly in the Spectator, No. 623.

Berkſhire returns nine members to parliament, two knights of the ſhire, two burgeſſes each, for Reading, New Windſor, and Wallingford, and one for Abingdon.

Brecknockshire.

This county, ſituate in South Wales, derives its appellation from the word Brycheinog, ſuppoſed to originate from Brechamus, an ancient Britiſh prince, whoſe daughters, four and twenty in number, were all, after death, reputed ſaints.

Its form is irregular, its circumference about 106 miles, and its area 731 miles, or 467,840 acres. It is divided into

ſix hundreds; Builth, Crickhowel, Devynnock, Merthyr, Penkelly, and Talgarth; and contains 38 pariſhes, 29 hamlets, 2 townſhips, and 1 town; 6794 houſes, and 31,635 inhabitants. It returns to Parliament a knight of the ſhire, and a burgeſs for the town of Brecon.

The borders of the county are, for the moſt part, mountainous, and every where it is interſperſed with hills. The higher mountains are barren, but the ſmaller are cultivated to the ſummits; the vallies are, in general, fertile, but the proportion of good land to bad does not amount to one-third.

Its principal produce is corn, black cattle, goats, and deer, fowl and fiſh. Otters are taken in a lake called Brecknockmere, whoſe fur forms an article of trade. The chief manufactures are cloth and ſtockings.

Beſides Brecon or Brecknock already mentioned, which is a pleaſant town, ſituate at the confluence of the rivers Hodney and Uſk, and containing 540 houſes, and 2576 people, this county has three other reſpectable towns, Bealth or Builth, Crickhowel, and the Hay, and is watered by two rivers, the Wye and the Uſk.

The only antiquities diſtinguiſhing this county are the Gaer, the remains of a Roman ſtation, and an ancient monument ſituate on the top of a mountain near Lhan Hammwlch, a village not far from Brecknock, called Ty Ihltud, or St. Itud's Hermitage. It conſiſts of four large flat and unpoliſhed ſtones, three of which are pitched in the ground, and the fourth laid on the top for a cover: they form an oblong ſquare cell, open at one end, about eight feet long, four wide, and four high; on the inſide it is inſcribed with croſſes and other figures; and is ſuppoſed to have been ſurrounded by a circle of large ſtones, and erected in the times of paganiſm.

BUCKINGHAMSHIRE.

THE greateſt length of this county is 46 miles, and its breadth 18; it is about 140 miles in circumference, and contains 748 miles, or 478,720 acres. It is divided into eight hundreds, namely, Aſhendon, Ayleſbury, Buckingham, Burnham, Cotteſloe, Deſborough, Newport, and Stoke, which form 179 pariſhes, 33 hamlets, 13 villages, 11 towns, 9 townſhips, 1 liberty, and 1 extra-parochial juriſdiction. The houſes are 20,986, the inhabitants 107,444.

The chief towns are Amerſham, Ayleſbury, Buckingham, Marlow, Wendover, Wycomb, Beaconsfield, Cheſham, Colnbrook, Ivingo, Newport-pagnel, Oulney, Riſborough, Stony-Stratford,

Stratford, and Winſlow; the firſt ſix return two members each to Parliament, which, with two knights of the ſhire, make the whole repreſentation fourteen.

The county is watered by the rivers *Tame*, *Ouſe*, and *Colin*; the air is healthy, the ſoil various: in ſome parts, particularly in the vale, about Ayleſbury, and Buckingham, it is a rich loam, in ſome a ſtrong clay, in others chalky, and in ſome gravelly.

The ſouth part, eſpecially towards the eaſt, is hilly, conſiſting of a range, called the Chiltern-hills; the northern is more level. It produces much wood, and amongſt other trees, the beech, (the Saxon word for which is by ſome ſuppoſed to have formed the name of the county,) alſo corn and butter, but is moſt excellent in cattle, the buſineſs of grazing being very profitably purſued. The manufactures are bone-lace, and paper.

It would appear an unwarrantable neglect to cloſe the deſcription of this county without mentioning the village of Eton, the ſeat of that celebrated ſeminary, whence have iſſued ſo many great and learned men. The particulars of this inſtitution belong to another diviſion of the work; but the village, pleaſantly ſituated on the banks of the Thames, and ſeparated from Windſor only by a wooden bridge, derives proſperity as well as fame from the ſchool, as it contains 298 houſes, and and 2026 inhabitants, while the town of Buckingham includes in 545 dwellings no more than 2605 reſidents.

CAERMARTHENSHIRE.

THIS county, ſituated in South Wales, is about 35 miles long, 20 broad, and 102 in circumference. It contains 926 miles, 592,640 acres, 13,820 houſes, and 67,317 inhabitants. The hundreds are eight, Carnevallon, Carthinog, Cayo, Derllis, Elvett, Iſkennen, Kirkwelly, and Perfedd; theſe compriſe 71 pariſhes, 11 hamlets, 7 towns, 2 townſhips, 2 chapelries, and 1 place extra-parochial. It returns to Parliament two members; one for the ſhire, the other for the town of Caermarthen. This town, which gives its name to the county, is ſituated on the river Gevilly, about ten miles from the Briſtol Channel, and near the river Towy. It contains 945 houſes, and 5548 inhabitants, and is entitled to notice as the birth-place of Merlin, the ſuppoſed Britiſh enchanter in the fifth century. A wood about a mile eaſt of the town is ſtill called Merlin's Grove, and deſignated by tradition as the ſcene of his myſtical ſtudies.

Beſides the town of Caermarthen, this county includes thoſe of Llanymdovery, Llanellelly, Kidwelly, Llangadock, Llandillo, Vawr, Laugharn, and Newcaſtle in Emlyn. The principal

rivers

rivers are the *Towy*, the *Cothy*, and the *Tave*. The land is leſs mountainous than in other counties; it produces grain and paſture in abundance, is well clothed with wood; feeds vaſt numbers of good cattle, abounds in fowl and fiſh, particularly ſalmon, for which the rivers are famous; contains many mines of pit-coal, and excellent lead. The inhabitants of Caermarthenſhire were included by the Romans in the tribe of Britons called Dimetæ, or Demetæ; the peculiar name of their diſtrict, as marked in the Itinerary of Antoninus, was Maridunum, formed from the Britiſh word Kaer Vyrdhin, by a corruption of the etymology, for the ſake of latinizing the ſound.

The antiquities of the county are chiefly relics of the Romans, whoſe obituary and commemorative monuments remain in various places. At Kaſtelh Karreg are ſtill viſible the ruins of a large fort; and vaſt caverns, ſuppoſed to have been copper mines wrought by thoſe people. Pont y Polion, Llan Newydh, and other places, exhibit pillars and buildings with inſcriptions; and Roman coins have been dug up in various parts of the county. The chief ancient memorial of the Britons, is a remarkable barrow or tumulus near Treloch, called Krig y Dyrn, conſiſting of a heap of ſtones covered with turf, about 18 feet in height, and 150 in circumference: it riſes with an eaſy aſcent, and is hollow on the top, gently inclining from the circumference to the centre, where is a rude flat ſtone of an oval form, about nine feet long, five feet broad, and a foot thick, covering a kind of ſtone cheſt, conſiſting of ſix more ſtones. This barrow is ſuppoſed to have been the burying place of ſome Britiſh prince, of very great antiquity.

There are, beſides, Gwal y Vilaſt or Bwrdh Arthur, a monument near Lhan Boydy, conſiſting of a rude ſtone, about 30 feet in circumference, and three feet thick, ſupported by four pillars, about two feet high, and a circular ſtone monument, on a mountain near Kilman Lhwyd, called Meineu Gwyr, or Buarth Arthur.—The name of this celebrated prince is added, by the credulous people of this county, to every huge and prodigious object which nature preſents to their view; large ſtones weighing many tons in various parts of Caermarthenſhire, are ſtyled his coits, his tables, and his chairs.

One natural curioſity is remarkable; it is a fountain or ſpring, at Kaſtelh Karreg, which conſtantly ebbs and flows twice every 24 hours.

CAERNARVONSHIRE

FORMS a part of North Wales; its length from north to ſouth is about 40 miles; its breadth, from eaſt to weſt, twenty;

twenty; and its contents 775 miles, or 496,000 acres; it has 8433 houſes, and 41,521 inhabitants. It is divided into 10 hundreds, called Creuddin, Dinllaen, Eſionydd, Gaffogion, Iſaf, Ifgwfrai, Maed, Nant Conway, Uchaff, and Uwch Gurfrai, theſe form 71 pariſhes, and 4 townſhips. Caernarvonſhire has one city, that of Bangor, and the five market towns, Aberconway, Caernarvon, Pwihelly, Crickieth, and Newin.—The county ſends one member to parliament, as does the county town of Caernarvon.

From the mountains and lakes, which abound in Carnarvonſhire, the air is cold and piercing, but the extremities of the county, particularly thoſe bordering on the ſea, are fertile; the population is rapidly increaſing, nor is the ſituation in general unhealthy. Perhaps few diſtricts in the world can produce a record ſimilar to that on a tomb-ſtone at Aberconway, which in 1637 was placed on the grave of Nicholas Hookes, who was the 41ſt ſon of his father by one wife, and himſelf the parent of 27 children. The ſummits of the mountains, covered with ſnow during nine months in the year, are barren, but between them are many fruitful vallies, and large herds of ſheep and goats feed on the hills. The county affords, in all parts, excellent paſture, and produces barley, fowl, fiſh, and wood. The principal river is the *Conway*, but ſome notice is due to the *Seiont*, a ſmall, but very rapid ſtream, riſing in the heart of the Snowdonia, and forming the lakes of Llanberis in its paſſage, which rather inclines to the ſouth weſt, till it turns abruptly to the north, to reach the ſea beneath the mighty towers of Caernarvon caſtle. Its tract, though ſhort, is highly romantic, being the moſt central ſtream in the mountainous confines of Snowdon. In the rivers, and the running lakes not only a great abundance, but many unuſual ſpecies, of fiſh are taken. Conway is famous for a large black muſcle in which pearls are found; ſome of the lakes produce the char, and other alpine fiſh, and it is affirmed, that in a lake called Lhyn y Kwn breeds a kind of trout with only one eye. Copper and lead ores have been found in various parts of the mountains, and many plants peculiar to the moſt elevated ſituations.

The wonders of this county are its mountains, particularly Snowdon and Pen-maen-mawr. Snowdon forms a cluſter of lofty hills riſing one above another, and crowned by that called Klogwyn Karneah y Wydha, eſteemed the higheſt land in Great Britain; whence may be ſeen England, Scotland, Ireland, and the Iſle of Man. Nature no where exhibits her rude outline more magnificently, than where this peak of the Britiſh Atlas elevates itſelf above the caſtle of Dolbarden on the upper lake of Llanberis.

Pen-

Pen-maen-mawr rifes perpendicularly over the ſea to an aſtoniſhing height. About the middle of the rock, on the ſide next the ſea, is a road ſeven feet wide, at the perpendicular height of 240 feet above the level of the ocean, and as many feet below the ſummit of the rock: and on the ſide of the road next the ſea is a wall breaſt high, to the building of which the city of Dublin largely contributed. On the other ſide of the hill is a narrow footway, over which the rock projecting forms a very extraordinary and frightful appearance to the traveller below.

Gly der is another very high mountain, on the ſea ſide, not far from Pen-maen-mawr, and is remarkable for a prodigious heap of ſtones, of an irregular ſhape, on its ſummit, many of which are as large as thoſe of Stonehenge in Wiltſhire. They lie in ſuch confuſion as to reſemble the ruins of a building, ſome reclining, and ſome lying croſſwiſe; a phænomenon which has never been perfectly accounted for. On the weſt ſide of this mountain is a very ſteep and naked precipice, adorned with a vaſt number of equidiſtant pillars; formed undoubtedly by the hand of nature, but by what proceſs has not been aſcertained.

The antiquities of the county are a circular intrenchment, about 80 feet in diameter; on the outſide of which are ſtanding twelve rough ſtone pillars, from five to ſix feet high; which are incloſed by a ſtone wall; and near the wall, on the outſide, are three other ſuch rough pillars, ranged in a triangular form. This work, called Y Meinen-hirion, is ſuppoſed to have been an ancient Britiſh temple; and near it are ſeveral monuments, conſiſting of vaſt heaps of ſtones, which, according to tradition, are the ſepulchral records of ancient Britons, who fell in a battle fought here againſt the Romans. The remains of Segontium are yet diſtinguiſhable on a planted hill near the exit of the upper lake of Llanberis; nor ought Caernarvon caſtle to be forgotten, which was built by Edward I., and where the firſt prince of Wales deſcended from an Engliſh king, was born. The apartment is ſmall and dark, its length being leſs than twelve, its breadth leſs than eight feet. The caſtle walls are ſeven feet nine inches thick, having within their ſubſtance a gallery, with narrow ſlips for the diſcharge of arrows.

CAMBRIDGESHIRE.

THE name of this county is taken from its principal town, and that derives its appellation from the river Cam. It is about 52 miles in length, 26 in breadth, 130 in circumference, and contains 686 miles, or 439,040 acres. It is divided into the

the fourteen hundreds of Armingford, Cheſterton, Cheveley, Chilford, Fleudiſh, Longſtow, Northſtow, Papworth, Radfield, Staine, Staploe, Thriplow, Wetherley, and Whittleſford. To theſe are to be added, the town and univerſity of Cambridge, and the portion of the county diſtinguiſhed by the name of the Iſle of Ely, and the aggregate gives a population of 89,346 perſons, and makes the number of dwelling houſes 16,451.—In the whole diſtrict are 161 pariſhes, 7 hamlets, 6 townſhips, 9 towns, and 2 extra-parochial demeſnes.

The town and univerſity of Cambridge contain 1,733 houſes, and 10,087 inhabitants, and the Iſle of Ely of the former 6,137, of the latter 32,599.

Beſides Cambridge and the city of Ely, the principal towns are Newmarket, Royſton, Linton, Wiſbeach, Caxton, Merſh, and Soham; Royſton is partly ſituated in the county of Herts.

The Iſle of Ely has been recovered by ſkill and labour from a ſtate of general inundation. It forms part of a large tract called Bedford Level, which Francis Ruſſel, Earl of Bedford, began to drain in the reign of Charles I., and which William Earl of Bedford, with other aſſociates, in his undertaking, perfected in the time of Charles II. It conſiſts of fenny land, divided by innumerable channels, with a few elevated ſpots. All theſe low lands are naturally bogs, though converted into rich meadows, or fertile corn fields: the air is unhealthy, and the water brackiſh, and notwithſtanding all the exertions of toil and ingenuity, the lands are ſtill ſubject to inundations.—The ſouth-weſt part of the county is more elevated, and the air more pure; the ſouth-eaſt part is open and healthy, and but thinly inhabited. The ſoil is alſo very different: in the Iſle of Ely, though hollow and ſpungy, it affords excellent paſturage; in the uplands to the ſouth-eaſt, it produces great plenty of bread corn, and barley.

Two rivers water this county, the *Ouſe* and the *Cam*. The Ouſe, a ſluggiſh ſtream, adds not to the beauty of the land through which it paſſes, till it is loſt in the great marſhes which abound on the eaſtern coaſt of the kingdom. The Cam is compoſed of two branches, of which one bears the claſſic name of *Granta*; they unite near Cambridge, and then run nearly northward, till the Ouſe receives them a little below Ely.

The repreſentatives returned to parliament from this county are ſix; two knights of the ſhire, two members for the town, and as many for the Univerſity of Cambridge.

Of this univerſity, an account will be given in another part of this work. Next to it, the principal local diſtinctions of the county are the celebrated races of Newmarket, the reſort of the

gay, the diſſipated, the thoughtleſs, and the profligate, yet ſupported on liberal principles by royal donations, and the ſubſcriptions of the nobility; and the no leſs celebrated fair of Sturbridge, held in a corn-field half a mile ſquare, where commerce and induſtry pour forth their accumulated ſtores, while idleneſs and revelry collect alſo their votaries, in promiſcuous aſſociation.

CARDIGANSHIRE

Is about 40 miles in length, 20 in breadth, and 100 in circumference, and its area is computed at 726 miles, or 464,640 acres. It contains five hundreds, namely, Geneur Glyn, Ilar, Moyddyn, Pennarth, and Troedyror; which form 63 pariſhes, 36 townſhips, 3 hamlets, and 1 town. The principal towns are Cardigan, Lhanbeder, Aberyſtwith, and Tregannon; the firſt three join in returning a Burgeſs to Parliament, and the county ſends one knight. The number of houſes in Cardiganſhire is 9040, of inhabitants 42,956.

On the coaſt of Cardigan the ſea has made great encroachments, even within the memory of man, and tradition ſpeaks of a well inhabited country, ſtretching far into the Iriſh channel, which has been carried off by the ſea. Of an extenſive tract formerly celebrated for a hundred towns, nothing now remains but two or three miſerable villages, and a good deal of ground in high eſtimation for barley, which is the regular crop without change or intermiſſion. Sea weed is the manure made uſe of, and the quality of the grain is ſuch, that it is ſent to the adjacent counties for ſeed corn. For at leaſt ſixty years, it is ſaid, crops of barley have been annually taken from it, without any cauſe for complaining of a diminiſhed produce. This county may be properly divided into two diſtricts, the lower and the upland. Of the lower diſtrict the higher grounds are in general a light ſandy loam, varying in depth, from a foot to four or five inches, the ſubſtratum a ſlaty kind of rock, producing, when judiciouſly treated, good crops of turnips, potatoes, barley, and clover; the ground in the vallies is very deep, and, with ſome exceptions, dry, yielding good crops of hay for many years, without ſurface manure, which is ſcarcely ever thought of until it is exhauſted and becomes moſſy, and then it is turned up. The climate is much more mild than the midland counties of England. In this part of the country ſnow ſeldom lies long. Oats and butter are the chief articles of export. The ſoil of the upper diſtrict is various, owing to the unequal ſurface; in the vallies it is chiefly a ſtiff clay, with a mixture of a light loam. Barley and oats are the principal grain of the county. Wheat is commonly ſown, but in a leſs proportion than the other two.

The

The worſt parts ſupply paſture for vaſt herds of cattle and flocks of ſheep, of which this county is ſo full, that it has been called the nurſery of all England ſouth of Trent. It abounds in river and ſea fiſh of all kinds, and the Tivy is famous for plenty of excellent ſalmon. Coals and other fuel are ſcarce; but in the north parts of the county, particularly about Aberyſtwith, are ſeveral rich lead mines, the ore of which appears often above ground. Theſe mines were diſcovered in 1690, ſome of them yield ſilver, and ſucceſsful iron and tin works have been eſtabliſhed.

The rivers are, the *Rhydol*, which riſes in Cardiganſhire on the ſouth-weſtern border of Montgomeryſhire, being one of the principal rivers produced in that wild and rocky diſtrict, which forms the baſe of the great mountain Plimlimmon. Its courſe is ſouthward, till it receives the *Mowach*'s torrent at the Devil's Bridge, and it then flows directly to the weſt, turning a little northward as it reaches the ſea, beneath the walls of Aberyſtwith. The *Yſtwith*, which takes its origin in the ridge of high bare mountains, which divides Cardiganſhire from Radnorſhire, conſiderably to the ſouth-eaſt of Plimlimmon; its ſhort courſe inclines firſt to the ſouth-weſt, but turns abruptly to the north-weſt, and at laſt flows almoſt directly northward to Aberyſtwith, where it meets the ſea; the *Evion*, a ſmall river ſcarcely worthy of mention were it not for the highly pleaſing and romantic valley which it creates as it deſcends to the ſea, and the neat inn of Aberevion, cloſe to its bridge; and the *Tivy*, the moſt conſiderable river in Cardiganſhire, pervading great part of the county, and ſeparating it from Caermarthenſhire and Pembrokeſhire, riſing from a lake among thoſe mountains which form the barrier of Radnorſhire; it flows ſouthward to Tregaron, but turns towards the weſt before it reaches Llanbeder; near Newcaſtle it inclines rather northward, and actually frowns the north, when it approaches the ſea, after paſſing under the arches of the old bridge of Cardigan.

The *Tivy* becomes a placid ſtream ſoon after it emerges from its native mountains, and continues ſo in its paſſage through the plain of Cardiganſhire, except when it is ſwelled by floods. The monaſtic remains of Stata Florida Abbey grace the early part of its courſe, before it reaches the ancient town of Tregaron; it then enters the wild unintereſting plain in which Llanbeder is ſituated, gradually confining itſelf within ſteep banks fringed with wood as it approaches Newcaſtle. Soon after it becomes ſuddenly engulphed within two piles of high rocks, from which it acquires the rapidity of a furious cataract, precipitating itſelf in a fall, which has acquired the title of the ſalmon leap.

Augmented afterwards by the tide, the Tivy proceeds in a broad majeſtic ſtream, winding between the baſes of two lofty ridges, on one of which the proud towers of Kilgarren Caſtle, ſtarting forth from a high maſs of rock and wood, are oppoſed beautifully by the hanging groves and ſpreading lawns of Coidmore. The exit of the river from this grand paſs is attended with a view of the hills bounding the ſea, acroſs a ſmall but populous and buſy plain, at the extremity of which the handſome town of Cardigan diſplays itſelf, with its fine old bridge and caſtle.

CHESHIRE

Is a county palatine, ſo called *a palatio*, becauſe the owner, the Earl of Cheſter, formerly had in it *jura regalia*, as fully as the king has in his palace. Theſe rights were poſſeſſed by preſcription or immemorial cuſtom, or at leaſt as old as the Norman Conqueſt. They extended to the pardoning of treaſons, murders, and felonies; the appointment of all judges and juſtices of the peace, all writs and indictments ran in his name, as in other courts in the king's, and all offences were ſaid to be againſt his peace, and not as in other places, *contra pacem domini regis*. Theſe privileges were ſhared by the counties of Durham, Lancaſter, Pembroke, and Hexham. They were in all probability originally granted to theſe counties, becauſe they bordered upon inimical countries, Wales and Scotland: in order that the inhabitants, having juſtice adminiſtered at home, might not be obliged to go out of the county, and leave it open to the enemy's incurſions; and that the owners, being encouraged by ſo large an authority, might be the more watchful in its defence. Hexhamſhire is now united to Northumberland; but its palatine privileges, together with thoſe of Pembrokeſhire, were aboliſhed by act of parliament, of the 27th Henry VIII., and 14th Elizabeth. The earldom of Cheſter, and duchy of Lancaſter, had before the paſſing of the firſt ſtatute, been united to the crown, the county of Durham therefore alone remained in the hands of a ſubject, the biſhop; the act of the 27th Henry VIII., alſo conſiderably abridged his privileges; and the peculiarities which are ſtill left, and form a ſort of anomaly in the general adminiſtration of juſtice, will be noted in treating on that county.

The length of Cheſhire is about 50 miles, the breadth 25, the circumference 182, and the contents 1017 miles, or 650,880 acres. It is divided into ſeven hundreds, named Broxton, Bucklow, Eddiſbury, Macclesfield, Nantwich, Northwich, and Wirral; theſe contain 465 townſhips, 20 pariſhes, three extra-parochial juriſdictions, two villages, one hamlet, and one chapelry;

chapelry; the houſes are 35,621, the inhabitants, 191,751. Its chief city is *Cheſter*, from which the county derives its name; it is very ſpacious, and rendered remarkable by the building of the houſes, each of which has a colonade before it, ſo that the whole city may be traverſed under a Piazza. This produces, however, the inconvenience of rendering the lower apartments dark and cloſe. The city has four gates, and a caſtle of conſiderable ſtrength, in which a garriſon is maintained; it contains 3194 houſes, and 15,052 inhabitants.

The principal towns are Macclesfield, which contains 1527 houſes, and 8743 inhabitants, Nantwich, Malpas, Middlewich, Northwich, Congleton, Altringham, Frodſham, Knotsford, Stockport, and Sanbach. The county and city ſend each two members to Parliament.

The natural productions of Cheſhire are corn, cattle, cheeſe which is particularly famous, fiſh, fowl, iron ore, coal, turf or peat from the moraſſes which the people call moſſes, timber, hops, alum, excellent ſalt, and mill-ſtones. The ſalt is produced from ſprings, which riſe in Northwich, Nantwich, Middlewich, and Dunham, at the diſtance of about ſix miles from each other; and about thirty from the ſea. The pits are ſeldom more than four yards deep, never more than ſeven. They all lie near brooks in meadow ground. The water is ſo very cold at the bottom of the pits, that the briners cannot ſtay in them above half an hour at a time, nor ſo long without frequently drinking ſpirits. Some of theſe ſprings afford much more water than others; but it is obſerved, that there is more ſalt in any given quantity of water drawn from the ſprings that yield little, than in the ſame quantity drawn from thoſe that yield much; and that the ſtrength of the brine is generally in proportion to the ſcantineſs of the ſpring. The cauſe of this production of brine is not aſcertained, but it does not ſeem probable that the water proceeds from the ſea, ſince a given quantity affords five times as much ſalt as can be extracted from that of the ocean. The ſtone which is wrought into mill-ſtones, is dug from a quarry at Mowcop-hill, near Congleton.

The chief rivers of Cheſhire are the *Dee* and the *Merſey*; into theſe fall many ſtreams of inferior note, as the *Dane*, the *Weaver*, the *Goyle*, the *Bollin* or *Jordan*, and the *Wheelock*. It poſſeſſes beſides ſeveral mineral ſprings, particularly at Stockport, where a chalybeate is found, which ſome conſider more ſtrongly impregnated than that at Tunbridge. In the moraſſes or moſſes where peat is cut, many natural productions are dug up, as trees, pine-cones, nuts, fir apples, ſhells and bones of fiſhes and of amphibious animals, which as they have been diſcovered, on

the tops of mountains, furniſh evidence of a conſiderable deluge, but ſome articles of furniture and ornament which have alſo been brought to light, demonſtrate that it muſt have been much more recent than that of Noah.

In Cheſhire are manufactured cottons, buttons, ſilk-twiſt, hats, gloves and ribbons, and there are ſeveral ſilk mills.

The air is pure and healthy, though inclining to cold; the country in general flat and open, from which circumſtance and its great fertility it was denominated by Edward I. the Vale Royal of England.

CORNWALL.

THE moſt weſterly county of England, is almoſt an iſland, being ſurrounded on all ſides by the ſea, except toward the eaſt, where it is bounded by the county of Devon for the length of forty-three miles from north to ſouth. From this boundary to the weſtward, the land continually decreaſes in breadth, forming itſelf into a figure reſembling a cornucopia; having the Briſtol channel on the north, and the Engliſh channel on the ſouth, both ſeas meeting in an obtuſe point, at the promontory called the Land's End, on the weſt. In ſome places it is almoſt eighteen miles acroſs; in others about thirteen; and in ſome not more than five. The whole length is ſeventy-eight miles. Its circumference is about 230 miles, its area 1407 miles, or 900,480 acres. It is divided into the nine hundreds of Eaſt, Kivian, Leſnewth, Penwith, Powder, Pydar, Stratten, Trigg, and Weſt; theſe form 213 pariſhes, towns, townſhips, and hamlets, and contain 33,378 houſes, and 188,269 inhabitants, of whom it is calculated that 16,000 are employed in the mines, and various proceſſes requiſite for ſending to market the extracted ore.

The land, ſtretching itſelf out in the form of a narrow peninſula, is high and mountainous in the centre, and declines towards the ſea on each ſide. On the ſea ſhores and the vallies, near the banks of the great rivers, are the chief and almoſt only ſeats of cultivation. The higher grounds exhibit, in many parts, the appearance of a dreary waſte. In the vallies, on the ſea coaſts and great rivers, and in almoſt all the low and flat grounds in more inland ſituations, are to be found ſtrata of marl, rich loams, and clays, which, being alternately intermixed, and with poorer ſoils, afford an extenſive field to the induſtry of the inhabitants.

The mines of Cornwall conſiſt chiefly of tin, copper, and ſome lead. The ſtrata in which theſe metals are found, extend from the Land's End, in a direction from weſt to eaſt, a very con-

conſiderable diſtance into the county of Devon, to the fartheſt part of the Dartmore hills. This extenſive range forms the high ground in the middle of Cornwall; the wind, rain, and ſtorms, have waſhed down much of the vegetable earth to enrich the vallies, and they have been aided by the operation of the miners. Formerly, immenſe quantities of tin were found in the county of Devon, and in the eaſtern part of Cornwall; but at preſent the chief ſeat of mining lies to the weſtward of Saint Auſtle. From hence to the Land's End, the principal mines are to be found in various ſtrata, extending along the northern coaſt, keeping a breadth of about ſeven miles. The annual produce of tin has been eſtimated at about 22,000 blocks. From the ſtream ore is obtained what is generally called grain-tin, this is in value ſuperior to common tin, and has been extracted to the amount of about 2000 or 2400 blocks a-year. Native gold has been found in ſome ſtream works, and alſo, but more minutely blended, in ſome mines of tin. The produce of the copper mines amounts to about 40,000 tons of ore, yielding about 4700 tons of copper. There are alſo ſome lead mines in different parts of the county, but they are not much worked, nor is their produce great, although the ores are ſaid generally to produce a conſiderable proportion of ſilver. Of iron ore there is abundance in many parts of the county; but there are no mines of this ore which have been much worked.

The firſt born ſon of the King of England is, in his own right, Duke of Cornwall, and has a revenue from the produce of the mines, and the power of appointing certain officers, as will be mentioned in another place. The tinners are alſo in many reſpects a diſtinct body from the other inhabitants of the county, having a court and a parliament of their own, which will alſo claim attention in another diviſion of this work.

Lying ſo much expoſed to the ſea, Cornwall is damp, and ſubject to fogs and ſhowers. The rains are rarely heavy, the winters mild, but the ſummers not hot. Myrtles flouriſh in the open air, as do ſeveral other tender exotics which generally require the protection of a green-houſe. But the more hardy race of trees, and of ſhrubs fit for hedges, and which reſiſt the cold in counties farther north, and more removed from the ſun, ſhrivel and periſh here before the ſaline particles which are borne in every breeze. The air of Cornwall is moſt injurious to ſcorbutic habits, but as it is free from the putrid exhalations that in other places riſe from bogs, marſhes, and ſtanding pools; and from the corrupt air that ſtagnates in the dead calm that is often found among thick woods; as the country is open, the ſoil in general ſound, and the air always in motion, it is on

the whole eſteemed very healthy. The natives are celebrated for their ſtrength and ſkill in wreſtling.

Beſides its mines, Cornwall derives wealth from its fiſheries, particularly that of pilchards, which is the greateſt in the world. It further produces corn, fowl in abundance, and woodcocks; and a fine blue ſlate of uſe in building.

Its provincial rivers are the *Tamar*, the *Bude*, the *Camel*, and the *Keyl*.

Cornwall returns to Parliament two knights of the ſhire, and forty-two other members, being two each for the following boroughs: Bodmyn, Boſſiney otherwiſe Tintagel, Camelford, Launceſton otherwiſe Dunevet, Eaſt Looe, Weſt Looe otherwiſe Portpigham, Grampound, Helſton, Fowey, St. Germains, St. Ives, Kellington, Liſkeard, Leſtwithiel, St. Mawes, St. Michael, Newport, Penryn, Saltaſh, Tregony, and Truro. The other places of note are Launceſton the county town, and Falmouth the excellent ſea-port.

CUMBERLAND

Is ſuppoſed to derive its appellation from *Cimbri*, a name given to the Antient Britons, who long maintained their ground in it, againſt the encroachments of the Saxons. It is in circumference 224 miles, 58 miles in length, rather above 30 in breadth, and in area, 1497 miles, or 958,080 acres. This county is divided, inſtead of hundreds, into five wards, called Allerdale above Darwent, Allerdale below Darwent, Cumberland, Eſkdale, and Leath; theſe contain 259 townſhips, 2 towns, 38 pariſhes, 3 villages, and 2 hamlets. The houſes are, 22,445, the people 117,230.

The ſurface of this county is diverſified with plains and eminences; open, brakey, heathy commons, and irregular incloſures, in ſome parts enriched with riſing plantations; the whole watered by innumerable ſtreams and extenſive lakes, abounding with fiſh of various denominations, and plenty of game. Though Cumberland enjoys an extent of ſixty-ſeven miles of ſea coaſt, yet it cannot boaſt of its navigable rivers; the tide flows not more than two or three miles up the greateſt part of them. They are called the *Eden*, the *Wampool* or *Waver*, the *Caldew*, the *Ellen*, the *Derwent*, the *Ehen*, the *Irt*, and the *Eſk* and the *Dudden*. The *Eden* finds its ſource in the moors of Weſtmoreland, and is the firſt Engliſh river on the ſouth-weſt border of Scotland, being like the Tweed, at laſt a boundary between the two kingdoms. The *Derwent*, the moſt conſiderable of theſe rivers, is generated in the wild diſtrict of Borrodale, whence it emerges towards the north, to form the

romantic and juſtly admired lake of Keſwick, encircled by rocks, mountains, and cataracts, and beautifully diſtinguiſhed with ſmall wooded iſlands. It is throughout a rapid ſtream, and the ſcenery which attends its courſe is wonderfully ſtriking and romantic.

Cumberland may be conſidered as forming two different diſtricts, the mountainous, and that which is capable of culture. The mountainous diſtricts are ſeparated into two diviſions, one of which bounds the eaſt ſide of the county, and is the higheſt part of that ridge of mountains that divides the eaſtern and weſtern coaſts of the iſland, from Derbyſhire in England to Linlithgow in Scotland. Croſs-fell, Hartſide-fell, Geltſdale-foreſt, and Spadeadam-waſte, are the names of that portion of the ridge, which paſſes through this county. Theſe mountains are compoſed of ſtrata of different kinds of ſtone, and are rich in coal, lime, and lead ore, but are no way remarkable for any ſtriking irregularities of ſurface. The other diviſion of mountainous diſtricts occupies the ſouth-weſt part of this county, and they are known by the names of Skiddaw, Saddleback, Helvellin, Wrey-noſe, Hardknot, and Seafell, which are remarkable for their ſteep, broken, rocky ſides, and romantic ſhapes; and are in general one maſs of that kind of ſtone which produces the beautiful blue ſlate, ſo much and ſo deſervedly eſteemed, for covering the roofs of houſes. They are deſtitute of coal, lime, or any metallic ores: but in ſome meaſure repay this defect, by affording ſuch valuable ſlates, and producing that ſingular mineral ſubſtance, black lead, which is found near Keſwick in this county, and it is ſaid, no where elſe in the ſouthern part of the kingdom.

In a county like Cumberland enjoying ſuch an extent of ſea coaſt, and where ſo large a portion is occupied by mountains, and thoſe reckoned amongſt the higheſt in the kingdom, the climate muſt be various. Along the coaſt, and for a conſiderable way up the rivers, the ſnow ſeldom continues above twenty-four hours; but upon the mountains, it will lie unmelted for ſix or eight months: of courſe, the lower parts of the county are mild and temperate, while on the higher grounds, and upon the mountains and their vicinity, the air is cold and piercing. But the whole is healthy, though ſubject to frequent falls of rain, particularly in the autumn, which make their harveſts very precarious and expenſive. The ſoil is various. Fertile, rich, ſtrong loams occupy but a ſmall portion of this county. Dry loams, including the various degrees from the rich brown loam, to the light ſandy ſoils, are found in a greater proportion than any other; and peat earth is more prevalent on the mountainous diſtricts, particularly thoſe adjoin-

ing to Northumberland and Durham: it is alſo found on moors or commons in the lower parts of the county. The chief natural curioſities of Cumberland are the mountains already mentioned, and the lakes which annually attract the attention of thoſe travellers whoſe taſte inclines them to admire the grand and ſtupendous productions of nature.

Among the antiquities are ſome huge ſtones at the ſummit of Hardknot-hill, which ſome have thought to be the foundation of a caſtle; but others, and with more probability, the ruins of ſome church or chapel; for, in the early ages of chriſtianity, it was deemed a work of moſt meritorious devotion, to erect croſſes and build chapels on the tops of the higheſt hills and promontories, not only becauſe they were more conſpicuous, but becauſe they were proportionately nearer to heaven.

On the top of Wrey-noſe are three ſtones, commonly called ſhire ſtones, which though they lie within a foot one of another, are yet in three counties, Cumberland, Weſtmoreland, and Lancaſhire.

But the principal antiquity in this county, and perhaps in all Britain, is that rampire built by the Romans, as a barrier againſt the incurſions of the northern Britons, called by the Engliſh the Picts Wall. It runs the whole breadth of Great Britain, croſſing the north parts of the counties of Cumberland and Northumberland, and extending above eighty miles, from that part of the Iriſh ſea called Solway Frith, on the weſt, to the German Ocean, on the eaſt. It was begun by the Emperor Adrian, in the year 121, and built in the manner of a mural hedge, with large ſtakes driven into the ground, and wreathed together with wattles. It was faced with earth and turf, and fortified on the north with a deep ditch. This wall was completed under the direction of Ælius, the Roman general, and the traces of it, with the foundations of the towers or little caſtles, now called Caſtle Steeds, placed at the diſtance of a mile one from another, and the little fortified towns on the inſide called Cheſters, are ſtill viſible. It is ſaid that here are ſometimes found pieces of tubes or pipes, ſuppoſed to be uſed as trumpets, and to have been artfully laid in the wall between each caſtle or tower, for giving the quickeſt notice of the approach of the enemy, ſo that any matter of moment could be communicated from ſea to ſea in an hour. In the rubbiſh of this wall was found, ſome time ago, an image of braſs, about half a foot long, which from the deſcription the antients have given us of the god Terminus, whoſe image they uſed to lay in the foundation of their boundaries, appears to be a repreſentation of that deity.

In

In Cumberland is the antient city of Carliſle, which is ſurrounded with a wall, and defended by a caſtle and citadel. It is ſituated at the conflux of the rivers Eden, Peterell and Canda; it ſuffered ſeverely in the times of the Scottiſh invaſions, in the wars of the houſes of York and Lancaſter, and in the rebellion in the ſeventeenth century; and it was ſeized by the Pretender in 1745. In purſuance of a charter granted by Charles I. its corporation conſiſts of a mayor and eleven aldermen, two bailiffs, twenty-four capital burgeſſes, and an indefinite number of freemen. Its principal manufactures are cotton and coarſe linen, fancy-work in cotton, linen and ſhag, hats, chamois and tanned leather, linſeys, nails, coarſe knives, ſtockings, flax, ſoap, candles and ropes: the houſes are 1338, the inhabitants 10,255.

The principal towns in the county are Aldſton, Brampton, Cockermouth, Egremont, Heſketh, Newmarket, Holm, Ireby, Keſwick, Kirkoſwald, Longtown, Penrith, Ravenglaſs, Whitehaven, and Workington. Whitehaven, which is the moſt conſiderable of theſe towns, contains 1823 houſes, and 8742 reſidents. The county returns to Parliament two knights of the ſhire, two citizens for Carliſle, and two burgeſſes for Cockermouth.

DENBIGHSHIRE

In North Wales, is about 38 miles long, 18 broad, and 116 in circumference; it contains 731 miles, or 467,840 acres, and is divided into ſix hundreds, namely, Bromfield, Chirk, Iſaled, Iſdulas, Ruthin, and Yale. Theſe are ſubdivided into 50 pariſhes, 40 townſhips, 2 towns, and 2 hamlets, the number of houſes is 13,048, that of inhabitants 60,352. Its chief town is Wrexham Regis the largeſt in North Wales, which has 1489 houſes, and 6935 inhabitants; Llanwrſt has 462 houſes, and 2549 inhabitants; Denbigh, the county town, from which the ſhire takes its name, is of inferior conſideration, having only 552 dwellings, and 2391 people; it ſends one burgeſs to Parliament, and one knight is returned for the ſhire.

In Denbighſhire the air is reckoned very healthy, but it is rendered ſharp and piercing by a vaſt chain of mountains, which almoſt ſurrounds the county, and the top of which is, during the greater part of the year, covered with ſnow. The ſoil is almoſt in the extremes of good and bad: the weſt part is heathy, barren, and but thinly inhabited, except the ſea coaſt and the banks of the Conway: the hills on the eaſtern borders of the county look, at a certain diſtance, like the battlements or turrets of caſtles; and this part is as barren as the weſt, except

where it borders on the river Dee: but the middle part of the county, conſiſting of a flat country, ſeventeen miles long from north to ſouth, and about five miles broad, is extremely fruitful, and well inhabited; ſurrounded by high hills, except on the north, where it lies open to the ſea. This delightful ſpot is called the Vale of *Clwyd*, from its being watered by the river of that name; beſides which, the *Conway*, the *Dee*, and the *Etwy* lend their ſtreams to this county.

The hills and heaths of Denbighſhire feed vaſt numbers of goats and ſheep, and being manured with turf aſhes, they produce plenty of rye; the vallies abound with black cattle and corn, and the county in general with fiſh and fowl; it contains ſeveral lead mines, that yield plenty of ore, particularly about Wrexham.

This town has alſo a conſiderable manufactory of flannels, and one of gloves is eſtabliſhed at Denbigh.

The chief antiquities of this county are ſuppoſed to be the ruins of the druidical eſtabliſhment; the ſtones near Ruthin are the moſt curious, though ſeveral others with inſcriptions are found in other parts, and there are ſome traces of the Romans.

Derbyshire

Is nearly fifty-eight miles in length from north to ſouth, and from eighteen to thirty broad, and contains 1077 miles, or 689,280 acres. It is divided into the ſix hundreds of Appletree, Highpeake, Morleſtone and Litcherch, Repton and Greſley, Scarſdale, and Wirkſworth, which contain 108 pariſhes, 188 townſhips, 3 extra-parochial juriſdictions, and 1 hamlet. The houſes are 32,191, the inhabitants 161,142.

Derby is ſo called from its ſituation on the river Derwent, or, as ſome ſuppoſe, (and their opinion is ſupported by the town arms, which are a buck couchant in a park) from words ſignifying a deer park. It is the county town, and gives denomination to the whole ſhire; it is well built, and contains 2170 houſes, and 10,832 inhabitants; it is diſtinguiſhed by the celebrated ſilk-mill, erected in the year 1734, by Sir Thomas Lombe, after a model brought from Italy; by a manufacture of china ware, which is much admired; and by the fabrication of ornaments of Spar obtained from the Peak. The other conſiderable towns are Cheſterfield, Wirkſworth, Bakewell, Aſhbourn, Bolſover, Alfreton, Chapel in the Frith, Dronfield and Tidſwall. The principal rivers are the *Trent*, which ſeparates the county from Leiceſterſhire, the *Derwent*, the *Wye*, the *Dove*, and the *Rother*.

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The Derwent divides Derby into two parts which are very different, as well with reſpect to the air as to the ſoil, except juſt on the banks of the river, where the land is on both ſides remarkably fertile. In the eaſtern diviſion the air is healthy, and its temperature agreeable; its ſoil fruitful, and well cultivated, produces grain in great abundance, particularly barley. But in the weſtern diviſion, the air in general is ſharper, the weather more variable, and ſtorms of wind and rain more frequent. There the face of the country is rude and mountainous, and the ſoil, except in the vallies, rocky and ſterile; the hills, however, afford paſture for numerous ſheep. But notwithſtanding its barrenneſs, it is profitable to the inhabitants by the produce of great quantities of the beſt lead, antimony, mill-ſtones, and grind-ſtones, beſides marble, alabaſter, cryſtal ſpar, green and white vitriol, alum, pitcoal, and iron. In theſe commodities, and in malt and ale, of which great quantities are made, the inhabitants carry on a conſiderable trade. The county is alſo enriched by ſeveral conſiderable manufactories, particularly one of cotton, eſtabliſhed by the enterprize and induſtry of Sir Richard Arkwright at Cromford. Two members ſit in Parliament for the ſhire, and two for the town of Derby.

The curioſities of this county are confined to the Peak, and commonly known by the name of its ſeven wonders. In this work they can be only enumerated, not deſcribed at large; they are however accurately diſplayed, in many publications, and form the ſubject of a harſh doggrel poem by Cotton, the author of Virgil Traveſtie. They are, 1ſt, Chatſworth, the magnificent ſeat of his grace the Duke of Devonſhire; 2d, a mountain of ſtupendous magnitude called Mam-Tor, or the Mother Tower; 3d, Elden-hole, a cavern of undefined depth; a plummet has deſcended further than half a mile without arriving at the bottom; 4th, the nine ſprings of Buxton which ſupply hot and cold medicinal waters, uſeful to drink and for bathing; 5th, a ſpring called Tideſwell, which gives its name to a town near which it is ſituated, and is remarkable for riſing and falling at uncertain intervals, with a gurgling noiſe, two-thirds of the perpendicular height of the well; a phænomenon never ſatisfactorily accounted for; 6th, a cave called Pool's-hole, ſituated at the botton of Coitmoſs, a lofty mountain near Buxton; and 7th, a cavern groſsly called the Devil's Arſe, the arch of which is chequered with ſtones of various colours from which continually drops petrifying water. In the enumeration of theſe works of nature, notice is due to the medicinal ſpring of Matlock, which is ſituated near the great Tor already mentioned.

Devonshire

Is seventy miles from north to south, and about sixty from east to west, and contains 2488 miles, or 1,592,320 acres. Its houses are 61,190, and its inhabitants 343,001. This populous county is divided into thirty-three hundreds, named, Axminster, Bampton, Black-Torrington, Braunton, Budleigh, Clifton, Coleridge, Colyton, Crediton, Ermington, Exminster, Fremington, Halberton, Hartland, Hayridge, Haytor, Hemiock, Lifton, Molton, South, Ottery St. Mary, Plymton, Roborough, Shebbear, Sherwill, Stanborough, Tavistock, Tawton, North and Winckley, Teinbridge, Tiverton, Witheridge and Wenford. It has 449 parishes, 15 townships, 2 villages, 3 hamlets, 4 tythings, and 3 precincts.

The air of this county is mild in the vallies, and sharp on the hills; but in general pleasant and healthy. The soil is various; in the western parts coarse, moorish and barren, and in many places a stiff clay, which the water cannot penetrate; it is therefore bad for sheep, which are not only small, but very subject to the rot, especially in wet seasons. This part of the county is, however, happily adapted to the breeding of fine oxen, which the Somersetshire drovers purchase in great numbers, and fatten for the London markets. In the northern parts of the county the soil is dry, and abounds with downs, which afford excellent pasture for sheep, and which, being well dressed with lime, dung and sand, yield good crops of corn, though not equal to those produced in the middle parts of the county, where there is in some places a rich marle for manuring the ground; and in others a fertile sandy soil. In the eastern parts of Devonshire the soil is strong, of a deep red, intermixed with loam, and produces great crops of corn, and the best pease in Britain. There are a few villages called the South Hams, near Torbay, which are famous for an excellent rough cyder, said to be the best in the kingdom. Most barren places here are rendered fruitful by a shell sand, such as that used in Cornwall; and in situations remote from the sea, where this sand cannot be easily obtained, the turf, or surface of the ground, is shaved off and burnt to ashes, which is a good succedaneum. The southern parts of this county being the most fertile, are called the garden of Devonshire.

As this county abounds in fine rivers, salmon is excellent and in great plenty. There are also mines of lead and tin, formerly of more value than even those of Cornwall; they were farmed at 100 pounds, while the Cornish mines produced only 100 marks, and had four stannary courts, the laws of which still

ſtill remain, in ſome degree in force, though the working of the mines has long been diſcontinued. The tinners are not under the lord-lieutenant, but form a militia by themſelves. Iron mines have been diſcovered, as likewiſe copper mines, with veins of loadſtone and ſilver. Here are likewiſe quarries of good ſtone for building, and ſlate for covering houſes, great quantities of which are exported. The chief manufactures are ſerges, duroys, druggets, ſhalloons, narrow cloths, ſtuffs, and bone-lace, in which, and in corn, cattle, wool, and ſea fiſh, the inhabitants carry on a conſiderable trade.

The principal rivers of Devonſhire are the *Tamar*, the *Tavy*, the *Plym*, the *Allerey*, the *Werrington*, the *Lyd*, the *Torridge*, the *Dart*, the *Teign*, the *Ex*, the *Otter*, the *Syd*, and the *Axe*.

Devonſhire is ſo called from the antient Britiſh names Deunan and Deuffneynt, which ſignify deep vallies, the greateſt part of its towns and villages being in a low ſituation. It contains one city, and forty conſiderable towns, ſeveral of which require particular notice.

Exeter, the city alluded to, is ſituated on the river Ex, about ten miles from the Engliſh Channel. It was probably built at the time the Romans were in poſſeſſion of Britain; was ſurrounded with walls, and had ſix gates, moſt of which are pulled down. The ſea flowed up formerly to the very walls of the city, and ſhips could load and unload at that called the Water-gate; by the contrivance of ſluices and gates, veſſels of 150 tons can now come up to the quay. Beſides the cathedral, which is a magnificent pile of building; there are eighteen other churches, a few chapels, and five large meeting houſes. The city is governed by a mayor, aldermen, recorder, and town clerk, &c. and was incorporated by king John, and erected into a county by Henry VIII. All pleas and civil cauſes are tried by the mayor, aldermen, recorder, and common council; criminal cauſes, and private wrongs, are judged by eight aldermen, who are juſtices of the peace. In the north weſt corner of the city ſtood the caſtle, called Rougemont, from the colour of the hill on which it was built, ſuppoſed to have been founded by the Weſt Saxon kings, and afterwards made the ſeat of the Earls of Cornwall. This caſtle was completely ruined in the civil wars, when the city held out againſt Fairfax, who blockaded it for two months, and nothing but the outer walls now remain. The guildhall is a ſpacious and convenient building, built in its preſent form in 1593, and repaired in 1720. The public hoſpital was erected by ſubſcription, in 1740, for the ſick and lame of the city and county of Devon. The trade of Exeter conſiſts principally in the exportation of coarſe woollen goods, manufactured in the counties of Devon, Cornwall,

Cornwall, and Somerſet; theſe goods the merchants of Exeter buy rough from the loom, mill, dye, finiſh, and export them; they chiefly conſiſt of druggets, duroys, kerſeys, and everlaſtings. The Eaſt India Company alſo purchaſe a quantity of long ells, of which about a fourth part are ſhipped at Exeter; the remainder at Dartmouth and Plymouth. For making theſe woollens, about 4000 bags of wool are imported at Exeter from Kent. The reſt of the wool made uſe of is the product of Devonſhire and the neighbouring counties. Exeter has alſo a conſiderable import trade; ſends ſhips to the Newfoundland and Greenland fiſheries, ſupplies the circumjacent country with coals, both from the northern collieries and from Wales: and exports corn, eſpecially oats, to London. In the reign of Henry VII, the city was ineffectually beſieged by Perkin Warbeck, and the king in acknowledgment of the bravery of the citizens, preſented them with a ſword which he himſelf wore, to be carried before the mayor in all corporate proceſſions. Exeter contains 2836 houſes, and 17,398 inhabitants.

Plymouth, which from a ſmall fiſhing town, is become one of the moſt conſiderable harbours in the kingdom, is ſituated on the Engliſh Channel, at the conflux of the two rivers Tamar and Plym, which form a harbour capable of receiving a thouſand veſſels. It is defended by ſeveral forts, mounted with nearly 300 guns, and particularly by a ſtrong citadel erected in the reign of Charles II. before the mouth of the harbour. This citadel, the walls of which include two acres of ground, has five regular baſtions, contains a large magazine of ſtores, and mounts 165 guns. The inlet of the ſea, which runs ſome miles up the country, at the mouth of the Tamar is called the Hamoaze; and that which receives the little river Plym is called Catwater. About two miles up the Hamoaze are two docks, one wet and the other dry, with a baſon 200 feet ſquare; they are hewn out of a mine of ſlate, and lined with Portland ſtone. The dry dock is formed after the model of a firſt rate man of war; and the wet dock will contain five firſt rates. The docks and baſon were conſtructed in the reign of William III. there are conveniencies of all kinds for building and repairing ſhips; and the whole forms as complete, though not ſo large an arſenal, as any in the kingdom.

Plymouth has alſo ſpacious and commodious barracks for ſoldiers, with houſes for the officers, clerks, &c. In the reign of Edward III, part of this town was burnt by the French; and in the reign of Henry IV. 600 houſes were burnt by the ſame enemy. During the civil wars of the ſeventeenth century, Plymouth adhered to the Parliament, and ſtood a ſiege

of

of the royal army for ſome months. At the reſtoration, Charles II. built a fort between the ſea and the town, which defends the harbour. The inhabitants carry on the pilchard fiſhery, and a conſiderable trade to the ſtraits of Newfoundland.

Plymouth is governed by a mayor, aldermen, recorder, and town clerk: it contains, together with its ſuburbs, 4536 houſes, and 43,194 inhabitants.

Dartmouth, another conſiderable town of this county, ſo called from its ſituation at the mouth of the Dart, on the Engliſh Channel; is ſaid to have been formerly called Clifton, and is an antient corporation and a borough town. The harbour is ſafe and large. The merchants ſend out veſſels to Newfoundland for fiſh, which they diſpoſe of in Italy, Spain, and Portugal; loading back with wines, fruit, oil, &c. Dartmouth is eſteemed a great nurſery of ſeamen, the fiſhery employing near 3000 men, a certain number of whom, the owners are obliged, by act of Parliament, to ſelect from landmen.

The county returns two members to Parliament, Exeter, Plymouth, Dartmouth, Barnſtaple, Tiverton, Aſhburton, Oakhampton, Totneſs, Berealſton, Plympton, Taviſtock, and Honiton, return each the like number, making the whole repreſentation of the county 26 members.

The other conſiderable towns are Crediton, Biddiford, Topſham, Axminſter, Bampton, Newton-Abbot, Lyſton, Bowe, Bradninch, Brent, Kingſbridge, Dodbrook, Chudleigh, Chumleigh, Cullumpton, Comb-Martin, Culliton, Hartland, Hatherly, Holdſworthy, Ilfracomb, Modbury, Morton, Sidmouth, South Molton, Torrington, Chegford, Sheep Waſh, and Teignmouth or Tinmouth.

Before the account of this county is terminated, it is fit to notice the excellent harbour of Torbay, the great rendezvous for the Britiſh navy as a defence againſt weſterly winds; and celebrated for being the place where William III. landed, on the 6th November 1688. The Eddiſtone rocks and lighthouſe alſo claim particular notice. Theſe rocks lying in the Engliſh Channel, nearly in the full way from the Start to the Lizard, and being covered at flood tide, though dry at ebb, muſt, without a ſufficient beacon, ever be fatal to mariners. On the ſummit of the largeſt rock, therefore, a light-houſe has been erected. to ſerve as a beacon, or ſignal, to avoid the danger. The firſt light-houſe was erected in 1696; and, after reſiſting many violent ſtorms, was blown down on the 27th November 1703, when the projector, who then happened to be in it, and all his attendants, periſhed. The corporation of the Trinity-houſe erected another in 1709, and, to ſupport the expence,

expence, laid a duty on all veſſels paſſing; it was burnt in 1755, and rebuilt by Mr. Smeaton in 1759; this erection was alſo burnt in 1770, and rebuilt in 1774. The building, as now conſtructed, conſiſts of four rooms, one over the other, and at the top, a gallery and lantern. The ſtone floors are flat above but concave beneath, and are kept from preſſing againſt the ſides of the building, by a chain let in to the walls. Portland ſtone and granite are united together by a ſtrong cement, and let into horizontal ſteps by dovetails on the ſouth-weſt. The ingenious architect diſcovered that Portland ſtone was likely to be deſtroyed by a marine animal, and as the working of granite was very expenſive and laborious, the external part only was conſtructed with this, and the internal part with the other. To form a ſtrong and broad baſe, and a ſtrong bulk of matter to reſiſt the waves, the foundation is one entire ſolid maſs of ſtones to the height of 35 feet, engrafted into each other, and united by every means of additional ſtrength. It is about 80 feet in height.

DORSETSHIRE.

THE preſent name of this county is derived from the Saxon Douretta, which ſignifies a people living by the water or ſea ſide. It is that diſtrict which, in the time of the Romans, was inhabited by the Durotriges; a name purely Britiſh, compounded of Dour, water, and Trig, an inhabitant. It is deſcribed by five diviſions, namely, Blandford, Bridport, Dorcheſter, Shaſton, and Sherborne, which contain the following hundreds and liberty: Barrow, Beer, Coombſditch, Haſilor, Pimperne, Robarrow, Ruſhmore, Winfrith, Beaminſter, and Redhone, Eggarton, Godderthorne, Whitechurch, Canonicorum, Culliford, Tree, George, Puddle-town, Tollesford, Uggeſcombe, Knowlton, Badbury, Cogdean, Cranborne, Looſebarrow, Sixpenny Handley, Upwimborne, Brownſell, Buckland and Sturminſter, Newton-Caſtle, Cerne, Totcombe and Mod-barrow, Redlane, Sherborne, Whitway, and Yetminſter, and the liberty of Gillingham. Theſe include 268 pariſhes, 9 towns, 1 townſhip, 8 tythings, 1 hamlet, and 3 extra-parochial juriſdictions. The area of the county is computed at 1129 ſquare miles, or 722,560 acres, and it contains 22,262 houſes, and 115,319 people.

This county is, for the moſt part, hilly; the ſoil is in general ſhallow, over a chalky bottom, but in ſome of the vallies very rich. The number of ſheep is eſtimated at upwards of 800,000, of which 15,000 are annually ſold and ſent out of the county. Great advantages are derived from the ſheep, not only from

the fleece and carcaſes, but likewiſe from the manure. The owners excel thoſe in all other parts of the kingdom, in providing ewes to yean at a remarkably early ſeaſon, which ſupply the metropolis with fat lambs. The wool produced in this county is ſhort and fine, of a cloſe texture, and of a quality highly eſteemed in the manufacture of broad cloth.

Among various articles of great importance to the community in the county of Dorſet, may be reckoned the cultivation of hemp and flax, and their manufacture. In the neighbourhood of Bridport and Beaminſter, all ſorts of twine, ſtring, packthread, netting, cordage, and ropes, are made; from the fineſt thread, uſed by ſadlers inſtead of ſilk, to the cable, which holds the firſt rate man of war. Theſe commodities, with nets, ſails, ſacking, tarpaulins, are of the beſt quality; and of the flax and hemp uſed, not more than one-third is of Britiſh growth; the reſidue being imported raw from Ruſſia and America.

No ores of any kind have been found in this county, nor mines of coals; but the iſland of Purbeck contains quarries of excellent ſtone. It is uſed for walling, floors, ſteps, and pavements. Portland is called an iſland, but is rather a peninſula, for though formerly ſurrounded by water, it is now joined with the main land by what is called the Cheſil Bank, which the ſurge has thrown up. It is ſcarcely ſeven miles in compaſs, and but thinly inhabited; for though it affords plenty of corn and paſture, yet wood and coal are ſo ſcarce, that the inhabitants are forced to dry the dung of their black cattle for fuel. The iſland is rendered inacceſſible by high and dangerous rocks, except on the north ſide, where it is defended by a ſtrong caſtle, built by Henry VIII. called Portland Caſtle; and another erected on the oppoſite ſhore, called Sandford Caſtle. Theſe command all ſhips that come into the road, which for its ſtrong current ſetting in from the Engliſh and French coaſts, is called Portland Race. Theſe currents render it always turbulent; and have frequently driven veſſels, not aware of them, to the weſt of Portland, and wrecked them on Cheſil Bank; on the two points of which are light-houſes, to warn the mariner of his danger.

About a mile from Corfe Caſtle, are found large quantities of pipe clay, uſeful to the potters in Staffordſhire and other places.

The moſt conſiderable town in Dorſetſhire is Pool, ſituated on a large bay, called Luxford Lake, or Pool Harbour, which, including all its angles, is fifty miles in circumference. It is a place of great trade, chiefly to the Baltic, Portugal, Newfoundland, America, Greenland, and Newcaſtle. Near the mouth

mouth of the harbour is an oyſter bank, and a number of ſmall veſſels are employed during the ſeaſon, in conveying its produce to the fattening beds in the creeks of Eſſex and Kent. This place, from a ſedge plat with a few fiſhing huts, aroſe to be a populous town, very rich, and adorned with handſome buildings. Henry VI. by act of Parliament, granted to it the privileges he had taken from Melcombe, and gave the mayor leave to incloſe it with walls, which were begun next the harbour, by Richard III. During the civil wars, Pool was garriſoned for the Parliament. It was erected into a county of itſelf, by charter of Queen Elizabeth, and is governed by a mayor, a recorder, aldermen, a ſheriff, a coroner, a town clerk, and an indefinite number of burgeſſes. The mayor, who is admiral within the liberty, is choſen from among the burgeſſes: after he has paſſed the chair, he is always an alderman; and the firſt year of his mayoralty, he is ſenior bailiff, and a juſtice of the peace. From among the aldermen are annually choſen three juſtices, the mayor, and recorder, one being of the quorum; and the election of the freemen or burgeſſes muſt be made by the mayor, four aldermen, and twenty-four burgeſſes. Pool contains 1059 houſes, and 4761 inhabitants.

Weymouth is alſo a place deſerving conſiderable notice. It is a ſea port, ſituated at the mouth of the Wey, which ſeparates it from Melcombe Regis, and the communication between the towns is by means of a draw-bridge, which is open for the admiſſion of veſſels. It is a well frequented port, defended by the two caſtles of Sandford and Portland. The harbour is a tide harbour, but the road has good anchorage in four or five fathom. The merchants principally trade to Portugal and Newfoundland. The corporation is united with that of Melcombe Regis, and they jointly conſiſt of a mayor, a recorder, two bailiffs, and an uncertain number of aldermen. The number of houſes in Weymouth is 714, that of inhabitants 3617, they are however rapidly increaſing, and in building and improvement proceed with great ſpirit, eſpecially ſince his Majeſty and his auguſt family have been almoſt annually in the habit of retiring to this place for relaxation and health during the heats of ſummer.

Two knights of the ſhire are returned to Parliament, and two burgeſſes for each of the following towns: Dorcheſter, Lyme, Shafteſbury, Pool, Bridport, Wareham, Corfe Caſtle, Weymouth, and Melcombe-Regis. The other towns of note are Sherborne, Blandford, Cranborn, Beaminſter, Abbotſbury, Bere, Everſhot, Frampton, Milton Abby, Stalbridge, Sturminſter, Cerne, and Winburn. The chief rivers are the *Char*, the

the *Eype*, the *Wey*, the *Brit*, the *Froome*, the *Piddle*, the *Stoure*, the *Allen*, the *Dullifh*, and the *Lyddon*.

At Hermitage, a village about ſeven miles ſouth of Sherborne, is a chaſm in the earth, whence a large plot of ground, with trees and hedges, was removed entire to the diſtance of forty rods, by an earthquake, which happened the 13th of January 1585.

DURHAM

Is in ſhape triangular, in circumference about 107 miles, in area 1040, or 665,600 acres. Inſtead of hundreds, it is divided into four wards, called Cheſter, Darlington, Eaſington, and Stockton wards; and two other diſtricts, denominated Iſlandſhire and Northamſhire: theſe contain 256 townſhips, 7 towns, 23 pariſhes, 4 chapelries, 3 hamlets, 1 liberty, 1 barony, 1 borough, and one extra-parochial diſtrict. The houſes are 28,466, the inhabitants 160,361.

This county is one of the moſt mountainous in the kingdom; the hills are, in general, covered with verdure to the top, and many of them contain lead and iron ores, coals, limeſtone, freeſtone, and marble. The eaſt and north-eaſt parts of the county are particularly rich in coal mines, lying in horizontal ſtrata, from three to ſix feet thick, and extending many miles. Near Wolſingham are found beautiful black ſpotted marble, and the large grey mill-ſtone for grinding corn. Grind-ſtones are found a little to the ſouth of the river Tyne, and not far from Newcaſtle: theſe form an article of exportation to moſt parts of the globe. There are alſo ſeveral quarries of fire ſtone, immenſe quantities of which are exported to be uſed in ovens, furnaces, &c. Near the river Tees, the land is rich, and is generally fertile near the other rivers; other parts are not ſo good. The climate is very uncertain, and the harveſt hazardous: wheat, barley, oats, and peas, are the chief productions; beans are ſeldom raiſed in the weſtern part of the county.

The principal manufactures are tammies, carpets, huckaback, cotton in various forms, linen, ſail-cloths, ſtockings, ſaddlery, ſalt, ſteel, glaſs, ropes, pottery, iron works, iron founderies, copperas, and paper.

It has been already noticed, that Durham is the only county palatine remaining in the hands of a ſubject: the royalties have been much abridged by the ſtatute 27th Henry VIII.; they are now the prerogatives of the biſhop, and hence the biſhoprick and county of Durham are equally uſed to deſcribe this portion of the kingdom. The privileges, which are ſtill reſerved to the biſhop, are principally theſe: all writs, though

returnable into the king's courts, are teſted in the name of the biſhop. He is perpetual juſtice of peace within his territories, as is alſo his temporal chancellor. All the officers of the courts, even the judges of aſſize themſelves, have ſtill their ancient ſalaries, or ſomething analogous, from the biſhop, and all the ſtanding officers of the courts are conſtituted by his patents. When he comes in perſon to any of the courts of judicature, he ſits chief in them, thoſe of aſſize not excepted; and even when judgment of blood is given, though the canons forbid any clergyman to be preſent, the biſhops of Durham did, and may ſit in their purple robes on the ſentence of death. All dues, amercements, and forfeited recognizances in the courts of the palatinate, and all deodands, belong to the biſhop. If any forfeits are made, either of war, or by treaſon, outlawry, or felony, even though the ſoil be the king's, they fall to the biſhop here, as to the king in other places. All the tenures of land originate from the biſhop, as lord paramount in chief. Hence he grants charters for erecting boroughs and incorporations, markets and fairs; incloſing foreſts, chaces, and warrens; licences to embattle caſtles, build chapels, found chantries and hoſpitals, and diſpenſations with the ſtatute of mort-main. All incloſed eſtates, as well as moors, or waſtes, to which no title can be made, eſcheat to him. He grants the cuſtody of ideots and lunatics, and had the cuſtody of minors, while the cuſtom of wards and liveries ſubſiſted. Beſides the dependance of leaſehold or copyhold tenants on him, if any freeholders alienated their land without his licence, they were obliged to ſue out his patent of pardon; and all money paid for ſuch licences belongs to him. In the article of military power, the biſhop of Durham had anciently his thanes, and afterwards his barons, who held of him by knight's ſervice, as the reſt of the hailwerk folk held of them by inferior tenures. On alarms he convened them as a parliament, with advice to aſſiſt with their perſon, dependents, and money, for the public ſervice, at home and abroad, and all levies of men or money were made by the biſhop's commiſſion, or by writs in his name, out of the chancery at Durham; for he had power both to coin money and levy taxes, and raiſe and arm ſoldiers in the biſhoprick, from ſixteen to ſixty years old. But now the militia of this county has been long on the ſame footing with the reſt of the kingdom, under the lord lieutenant. The only difference here is, that that office has generally, though not always, been borne by the biſhop. The admiralty juriſdiction in this county belongs alſo to the biſhop, who holds the proper courts by his judges, and appoints by his patents a vice-admiral, regiſter, and

marſhal, or water-bailiff, and other officers, and has all the privileges, forfeitures, and profits, incident to this power, as royal fiſhes, ſea-wrecks, and duties for ſhips arriving in his ports.

The city of Durham, the capital of the county, and from which it derives its name, is ſituated on ſeven hills, and ſurrounded by others more lofty: it has been whimſically compared to a crab, the body being repreſented by the centre of the town, the cathedral, &c. and the claws, by the ſeveral ſtreets branching every way. It is almoſt ſurrounded and interſected by the river Wear. This city is generally ſaid to have been founded in the year 995, when the monks of Landisfarne took refuge from the Danes, and brought with them the relics of St. Cuthbert. The cathedral is a grand Gothic building.

The city was governed under a charter, procured by biſhop Crew, of Charles II. by 12 aldermen, a recorder, 12 common-council, a town clerk, and other officers, who could hold a court-leet and court-baron within the city, in the name of the biſhop, for the time being; but the corporation having been guilty of many mal-practices, the city was ſeveral years without a mayor, and the power of election was loſt. A new charter was repeatedly applied for, but not obtained till the year 1778, when Doctor Egerton, the then biſhop, terminated the diſputes which had prevailed with reſpect to the principles on which it ſhould be founded. The city contains 1054 houſes, and 7530 inhabitants.

Sunderland is a conſiderable town, ſituated at the mouth of the Wear, where it runs into the German ſea. The harbour being too ſhallow for large veſſels, they are obliged to take in their loadings in the open road, though many attempts have been made to remedy the evil. Sunderland has been greatly enriched by the coal trade, and by its ſalt pans, which, with the number of ſhips employed in carrying coals, ſalt, glaſs, and other merchandize, to divers parts of the kingdom, as well as abroad, make it a fine nurſery of ſeamen. Its inhabitants are 12,412, the houſes 1379.

The other towns of note in the county are Stockton, Barnard's Caſtle, Darlington, Stanhope, Hartlepool, Biſhops Auckland, Wolſingham, and Sedgefield. The county and city ſend two members each to parliament.

The principal rivers of Durham are the *Tees*, the *Tyne*, the *Derwent*, the *Skean*, and the *Weare*. Theſe contribute to the wealth of the county, by the advantages of navigation, and by the ſupply of excellent fiſh, particularly ſalmon. In the channel of the Weare, a little below Branſpeth, a village near Durham, are many large ſtones, which are never covered but when that

river overflows; and over which, if water is poured, it will in a ſhort time become brackiſh; and at Saltwater Haugh, not far diſtant, is a ſalt ſpring in the middle of the Weare, which is beſt perceived in ſummer, when the water of the river being low, it is ſeen bubbling up. This ſpring tinges all the ſtones near it with red; and the water, when boiled, produces a great quantity of bay ſalt, though not ſo palatable as common ſalt. Large quantities are alſo manufactured in pans at South Shields, whence it is ſent to ſupply the capital, and the intermediate country.

Neſham, a village on the Tees, ſouth-eaſt of Darlington, and in the road from London to Durham, is remarkable for a ford over the river, where the biſhop, at his firſt coming to take poſſeſſion of his ſee, is met by the country gentlemen, and where the lord of the manor of Sockburn, a village ſouth-eaſt of Neſham, upon the ſame river, advances into the middle of the ſtream, and preſents him with a faulchion, as an emblem of his temporal power, which the biſhop returns, and then continues his route.

Essex.

This county, called by the Saxons Eaſt-Deaxa and Eaſt-Dexſcire, and by the Normans Exſeſſa, was, in the time of the Romans, inhabited by the Trinobantes, whom Cæſar repreſents as the moſt warlike people in the iſland. It is a ſort of peninſula, being waſhed on the eaſt by the German Ocean; on the north by the Stour; on the weſt by the rivers Lea and Stort; and on the ſouth by the Thames. It is in length, from eaſt to weſt, rather more than ſixty miles, from ſouth to north about fifty, and in circumference about 140; its area is computed at 1525 miles, or 976,000 acres. The hundreds are nineteen; namely, Barnſtaple, Becontree, Chafford, Chelmsford, Clavering, Dangie, Dunmow, Freſhwell, Harlow, Hinckford, Lexden, Ongar, Rochford, Tendring, Thurſtable, Uttlerford, Waltham, Winſtree, and Witham. Theſe contain 370 pariſhes, 17 hamlets, 14 towns, 11 townſhips, 7 wards, and 4 villages; the houſes are 39,398, the people 216,437.

Except towards the ſouth-weſt, the air of Eſſex is generally healthy: this quarter, called emphatically the Hundreds of Eſſex, is repreſented as highly prejudicial and unwholeſome, particularly ſubjecting the inhabitants to intermitting fevers; but even this part has been much meliorated by care and good huſbandry.

Conſiderable manufactures of ſerges, baizes, and other woollens, are eſtabliſhed in ſeveral towns and villages, particularly

larly in Colcheſter, and its vicinity. The principal productions of the county are wheat, barley, oats, beans, peas, flax, hemp, coriander ſeeds, caraway ſeeds, potatoes, teazles for the woollen manufactures, rape, muſtard, and cole-ſeed; all which find a ready market in London. Towards the weſt, on the borders of Hertfordſhire and Middleſex, are large dairy farms, celebrated for the goodneſs of the butter, particularly that which is made in the neighbourhood of Epping. On the ſouth ſide of the county, on the borders of the Thames, are extenſive ſalt-marſhes, and other low lands, into which horſes and cattle are put to graze, and large herds of ſheep and oxen are reared and fattened for the London market. Saffron is cultivated principally in the north-weſt part of the county, towards Cambridge, particularly about Saffron-Walden, whence its name. Eſſex contains a good ſhare of woodland, and the rivers are well ſtocked with fiſh.

The towns are Colcheſter, Harwich, Malden, Chelmsford, Saffron-Walden, Rumford, Brentwood, Ingateſtone, Witham, Maningtree, Hedingham, Halſtead, Braintree, Epping, Waltham, Bocking, Dunmow, Ongar, Greys, Thurrock, Coggeſhall, Dedam, Billericay, Rochford, Lea, and Hatfield-Broadoak.

The county, and the towns of Colcheſter, Harwich, and Malden, return two members each to parliament.

Colcheſter, ſituated on the river Coln, is a town of great antiquity, having been a Roman ſtation, called Colonia, and the ſuppoſed birth-place of Helena, mother of the emperor Conſtantine. Its caſtle is ſaid to have been built by Edward, the ſon of Alfred; and the walls and edifices of the town ſtill bear marks of the honourable reſiſtance made by the inhabitants to the ſucceſsful rebels in the days of Charles I. The corporation conſiſts of a mayor, high ſteward, a recorder, or his deputy, 11 aldermen, a chamberlain, a town clerk, eighteen aſſiſtants, and eighteen common-council. The mayor and aldermen, for the time being, with 48 guardians, are alſo a corporation for the benefit of the poor. It contains 1997 houſes, and 11,520 inhabitants.

Harwich is leſs populous, containing only 493 dwellings, and 2761 people. Being the chief port for packets to Holland, it is a place of conſiderable trade, and many veſſels are employed in the North-ſea fiſhery; and the harbour, independent of the bay, is ſafe and convenient. Here is a very good dock-yard for building ſhips, and ample accommodations for ſea-bathing, both hot and cold.

Malden, ſituated on the river Blackwater, called alſo Malden-water, is a town of conſiderable trade, and a convenient haven

for ſhips. Its houſes are 454, the inhabitants 2358. The corporation conſiſts of 2 bailiffs, 8 aldermen, a ſteward, recorder, and 18 capital burgeſſes. It is a liberty within itſelf; incorporated 1 Philip and Mary, 1554. The cuſtom of Borough Engliſh is kept up here, by which the youngeſt ſon, and not the eldeſt, ſucceeds to the burgage-tenement, on the death of his father.

The chief rivers are the *Thames*, the *Stour*, the *Lea*, the *Stort*, the *Chalmer*, the *Blackwater*, the *Coln*, the *Crouch*, and the *Roding*.

Eſſex has furniſhed copious ſubjects of inquiry and diſcuſſion to the antiquaries. Beſides thoſe of Roman origin, which are numerous, the principal curioſities of the county are, a petrifying ſpring at Beacon Hill, and Harwich, and the cuſtom of Dunmow, which rewards nuptial attachment preſerved inviolate in act, word, and thought, for a year and a day, with a flitch of bacon.

Flintshire

Is a county of North Wales, divided into two ſeparate portions; the one, properly in Wales, is about 27 miles in length, and from 7 to 10 broad; the other, in no wiſe united with it, lying between Cheſhire, Shropſhire, and Denbighſhire, is 8 miles long, and 6 broad. It is computed to contain in the whole 309 ſquare miles, or 197,760 acres. It is divided into 5 hundreds, namely Coleſhill, Maylor, Mold, Preſtatyn, and Rhyddlan, which form 23 pariſhes, 15 townſhips, 1 town, and 1 chapelry; the houſes are 7779, the inhabitants 39,622.

The county is mountainous, intermixed with vallies; the hills are generally barren, but abound with lead ore, calamine, limeſtone, and coals; the vallies are fertile, and produce both corn and hay; the ſeparated part is moſtly a level country.

Two members are returned to Parliament; one knight of the ſhire, and one burgeſs for the town of Flint.

This town gives its name to the county, but in the election of a member the inhabitants of the neighbouring boroughs of Rhyddlan, Overton, Caerives, and Caergoerly, have votes.

St. Aſaph, the ancient epiſcopal ſee, is alſo in this county, but a place of ſmall note or population.

The largeſt town is Holywell, which contains 1146 houſes, and 5567 inhabitants. It derives its name from a ſpring in the neighbourhood, which, according to popiſh legends, roſe miraculouſly in memory of St. Winifrid, a Chriſtian virgin, raviſhed and beheaded in this place by a Pagan tyrant. The ſpring is commonly called St. Winifrid's Well, to which many

miraculous cures have been aſcribed by monkiſh writers. It iſſues out of a rock of free ſtone, where the monks of Baſingwerk, in the neighbourhood, cut out a neat chapel, and over the well built a ſmall church, with St. Winifrid's ſtory, and her pretended reſtoration to life by St. Beuno, painted on the glaſs windows of the chancel; this church falling to decay, was rebuilt in the time of Henry VII. and is ſtill ſtanding. It is ſupported upon ſtone pillars, which ſurround the well, and is now converted to a ſchool: the well is floored with ſtone, and the water iſſues out with ſuch a rapid ſtream, as to turn ſeveral mills at a very ſmall diſtance from the fountain.

GLAMORGANSHIRE

Is 48 miles from eaſt to weſt, and 27 from north to ſouth, the circumference 116 miles, and the area 822 miles, or 526,080 acres. The hundreds are ten, Caerphilly, Cowbridge, Dinas-Powis, Kibbor, Llangwelack, Miſkin, Neath, Newcaſtle, Ogmore, and Swanſea; theſe are diſtributed into 112 pariſhes, 51 hamlets, 3 towns, and 1 extra-parochial place, and contain 14,762 houſes, and 71,525 inhabitants.

On the north and north-eaſt ſides it is very mountainous, the ſoil of the hills extremely varied. In ſome parts they are mere rocks, in others full of coal and iron. The ſurface over theſe mines affords paſture for ſheep, which produce plenty of fine wool. Corn grows principally on the ſouth ſide of the mountains, in a ſpacious vale, or plain, open to the ſea. Plenty of coal, and conveniency of exportation, have facilitated the eſtabliſhment of a large copper work at Swanſea.

Two members are returned to Parliament from Glamorganſhire, one for the county, the other for the town of Cardiff, for whom the burgeſſes of Cowbridge, Swanſea, Locher, Aberavon, Kenfiff, Neath, and Llantriſſent alſo vote.

Cardiff, which derives its appellation from its ſituation on the river Taff, about three miles from the Severn, is ſaid to have been built in the year 1080. It is incloſed by a wall with four gates, and a ſtrong ſtately caſtle, the conſtable of which is always the firſt magiſtrate of the town. The inhabitants carry on a conſiderable trade with Briſtol, and export a great quantity of caſt and wrought iron to London and other places. This being the county town, a court of record is held every fortnight, in which the bailiffs, who are alſo juſtices of the peace, are the only judges. The corporation conſiſts of a mayor, who, as chief magiſtrate, is conſtable of the caſtle, 12 aldermen, 2 bailiffs, who are annually choſen from among the aldermen, and 12 common councilmen. Curthoſe, eldeſt ſon of William

the Conqueror, was impriſoned in the caſtle by his brother, who deprived him of his eyes, as well as all hopes of the crown.

The moſt conſiderable town in the county is Swanſea, which is ſituated on a bay in the Briſtol channel, to which it gives name, at the mouth of the river Tawy, for which reaſon it is called Aber-Tau. The inhabitants carry on a conſiderable trade in coals and pottery, and ſmelt copper and lead ores. It has 1203 houſes, and 6099 inhabitants.

Glamorganſhire alſo contains the ſmall city of Llandaff, which has a cathedral, but no market. The principal rivers are the *Tave*, the *Neath*, the *Taw*, the *Oſmore*, and the *Rhymney*.

This county poſſeſſes a ſtupendous antiquity in the caſtle of Caerphilly, built at an uncertain period, and now in ruins. It ſtands in a mooriſh bottom, near the river Rhymney, and has been deemed larger than any caſtle in England, except that of Windſor. Amidſt the many pieces which compoſe this huge pile of ruins, is a large tower towards the eaſt end, between 70 and 80 feet high, with a vaſt fiſſure from the top almoſt to the middle, by which it is divided into two ſeparate leaning parts, each ſide hanging at the ſummit ten feet and a half over its baſe. In this manner, apparently threatening immediate ruin, it has continued to recline for many ages; nor does it appear from hiſtory, or tradition, how, or when the rent firſt happened. The hall, or, as ſome think it, the chapel, is about 70 feet long, 34 broad, and 17 high.

GLOUCESTERSHIRE.

THE length of this county from north-eaſt to ſouth-weſt is 65 miles, and the breadth from 20 to 30; the circumference is about 156 miles, the contents of the area 1122 miles, or 718,080 acres. Glouceſterſhire is divided into 28 hundreds, called Berkley, Biſley, Blideſloe, Botloe, Bradley, St. Briavells, Brightwell-Barrow, Cheltenham, Cleeve, Crowthorne and Minely, Deerhurſt, Dudſtone and King's Barton, Grumbald's Aſh, Henbury, Kiftſgate, Duchy of Lancaſter, Langley and Swineſhead, Longtrees, Puckle Church, Rapſgate, Slaughter, Tewkſbury, Thornbury, Tibaldſtone, Weſtbury, Weſtminſter, and Whitſtone; theſe include 328 pariſhes, 41 hamlets, 33 tythings, 14 townſhips, 7 towns, 6 extra-parochial juriſdictions, and 3 villages; the houſes are 48,172, the inhabitants 250,809.

It is uſual to divide this county into three diſtricts: the eaſtern, bordering upon Warwickſhire, Oxfordſhire, and Berkſhire, is called Cottſwould; the middle, the Vale of Glouceſter; and the triangular part, included between the Wye, the Severn, and a

ſmall

ſmall river called the Leden, is called the Foreſt of Dean. The vale of Glouceſter manifeſtly derived its name from its ſituation, and the foreſt was probably called the Foreſt of Dean, from the principal town in the diſtrict; ſome have ſuppoſed the word Dean to be a corruption of Arden, a name uſed both by the ancient Gauls and Britons to ſignify a wood.

The ſoil and cultivation of Glouceſterſhire vary in different parts. On the Cottſwould hills the land is in general loamy, with ſtones; the earth ſhallow, having beneath it a kind of limeſtone. About Fairford and Cirenceſter, the ſoil is richer and deeper, and great quantities of ſheep are fed, which were formerly celebrated for the fineneſs of their wool, and the ſmallneſs of their fleece. This breed of ſheep has been changed for a larger, which produce coarſer wool. The vale of Berkley, an extenſive and fertile plain, lying on both ſides of the Severn, is celebrated for its excellent cheeſe. The vale about the city of Glouceſter is good meadow and paſture land. The foreſt of Dean was formerly celebrated for ſhip timber; a ſmall part only is left, but pains are taken for its preſervation. The woollen manufacture is carried on to a great extent at Durſley, Stroud, Wotton Underedge, Painſwick, Minchin, Hampton, and in their neighbourhood. Mines of coal abound in Kingſwood, and the neighbourhood of Briſtol, and mines of iron in the foreſt of Dean. Great quatities of cyder are made in the villages on the banks of the Severn, a kind of which, called ſtyre, is almoſt peculiar to the weſtern banks of that river.

The parliamentary repreſentation of this county is compoſed of 8 members; 2 knights of the ſhire, 2 citizens for Glouceſter, and 2 burgeſſes, each for Cirenceſter and Tewkeſbury. Briſtol is in all other reſpects conſidered as forming a part of Glouceſterſhire, but the return of its members to parliament is made by the ſheriff of Somerſetſhire.

Glouceſter was called by the ancient Britons Caerglow, the fair city, from its fine ſituation and beautiful buildings. It was undoubtedly a Roman ſtation, and always a place of conſiderable note. Several Engliſh kings kept their chriſtmas at this city. King John, in the firſt year of his reign, made it a borough town, and Henry III. made it a corporation. In 1272, Edward I. held here a parliament, in which ſome uſeful laws were made, now called the ſtatutes of Glouceſter. Richard II. held alſo here a parliament; and Richard III., in conſequence of bearing the title of duke of Glouceſter, before he obtained the crown, added the two adjacent hundreds of Dudſton and Kings Barton to it, gave it his ſword and cap of maintenance, and made it a county of itſelf, by the name

of

of the county of the city of Glouceſter; but, after the reſtoration, the hundreds were taken away by act of parliament, and the walls of the city razed, to puniſh the inhabitants for ſhutting the gates, in 1643, againſt Charles I. The city had then eleven pariſh churches; but ſix being demoliſhed in 1643, there only remained five, and the cathedral. In 1672, the inhabitants reſigned their charter to Charles II.; he granted them another in the 24th of his reign, by which Glouceſter was made a city and county. It is governed by a ſteward, mayor, 12 aldermen, a recorder, two ſheriffs, 26 common council men, a town clerk, a ſword bearer, and 4 ſerjeants at mace. For regulating the trade of the city, there are 12 companies, whoſe maſters, in their gowns, attend the mayor, on all public occaſions. The city contains 4 principal ſtreets, beſides ſeveral ſmaller, well paved, and in general well built. The trade is conſiderable on account of the Severn. Beſides churches for the eſtabliſhed religion, there are places of worſhip for diſſenters, and quakers, with ſeveral charity ſchools, and a county infirmary. It contains 1638 houſes, and 7579 inhabitants.

Cirenceſter is thought to be the oldeſt, and to have been the largeſt town in the county. It was the ſcene of many remarkable events in the time of the Romans, the Britons, and the Saxons, and during the hoſtilities between the crown and the barons in the reign of Henry III., and the civil wars in the days of Henry VI. In thoſe conflicts it ſuffered ſeverely; the walls were razed, and of three churches only one remains: it had alſo formerly an abbey, the abbot of which was mitred. The trade is ſtill flouriſhing, and it contains 855 houſes, and 4130 people.

Tewkeſbury is ſituated at the conflux of the Severn and the Avon, on the borders of Worceſterſhire, beſides which, two other ſmall rivers run through the town and join the Severn. The government is veſted in 24 burgeſſes, from whom are choſen annually two bailiffs, who are the ruling magiſtrates, and have juriſdiction within the borough, excluſive of the juſtices of peace for the county. Tewkeſbury was formerly renowned for its muſtard, which was made into balls and exported; its chief trade is now in woollen cloth and hoſe. It gives its name to the deciſive conflict between the houſes of York and Lancaſter, in which the former gained a great victory, and their princes, with ſavage vindictiveneſs, murdered in the bloom of life the hopeful ſon of their rival Henry VI. Tewkeſbury has bridges over three of the four rivers that run by it, and its church is a ſpacious ſtructure, with two handſome turrets at each end, and a ſtately tower, alſo adorned

with

with turrets. The communion table conſiſts of one entire piece of marble, thirteen feet, eight inches long, and three feet and a half broad, in the middle of the choir. It is adorned with a number of funeral monuments, particularly of ſeveral of the earls of Glouceſter and Warwick, prince Edward, the ſon of Henry VI., and the duke of Clarence, one of his aſſaſſins. In this town are ſeveral meeting-houſes of diſſenters, a free ſchool, an hoſpital for the maintenance of thirteen poor people, and a reader, and an alms-houſe for ten poor widows. Tewkeſbury contains 887 dwellings, and 4199 people.

Briſtol, a city and county in itſelf, is ſituated partly in Glouceſterſhire and partly in Somerſetſhire, and, as already has been mentioned, the return of its members is made by the ſheriff of the latter county; but as the larger and better portion of it ſtands in Glouceſterſhire, and as it is claſſed in that county, in the returns made purſuant to the act paſſed in the 41ſt year of king George III., for taking an account of the population of Great Britain, it is alſo in this work placed in the ſame ſituation.

Briſtol is placed at the confluence of the rivers Avon and Frome, which when blended are diſtinguiſhed by the name of Avon only. This ſtream is navigable for large and heavy ſhips, till it joins the Severn at King's Road, there known by the name of the Briſtol Channel. The government of the city is adminiſtered by a mayor, 12 aldermen, 2 ſheriffs, 48 common-council men, a recorder, and a town clerk. As it is a county of itſelf, one of the judges comes every year to Briſtol and holds an aſſize; in the autumn another aſſize is held by the mayor, recorder, and aldermen. Queen Elizabeth granted a charter whereby every man who marries a daughter of a citizen of Briſtol becomes free of the city. The merchants trade with more independance on London, than any other town in the kingdom. Their Weſt India ſhips ſail and arrive in fleets. They have large commerce with Ireland, Holland, Hamburgh, Norway, Sweden, Ruſſia, and America, and ſend ſhips to Newfoundland, and the Mediterranean. The quay is eſteemed one of the fineſt in Europe, and on the banks of the river are ſeveral dock yards for building and repairing ſhips. Buſineſs of almoſt all kinds is carried on, and capital works eſtabliſhed, as large braſs works, forges for ſmelting copper; iron founderies, where cannon are caſt and bored; lead works, in which the lead is ſmelted from the ore, caſt into ſheets, and milled; manufactories of white and red lead and lead ſhot; a great number of ſugar-houſes, turpentine, ſulphur and vitriol works, and of china, woollen ſtuffs, broad cloth, ſail cloth, lace, ſilk, and cotton.

Among

Among the conſpicuous public buildings may be reckoned the exchange in Corn Street; the council houſe, guildhall, cuſtom houſe, ſeveral halls of companies, as of merchants, coopers, and merchant taylors, public library, and infirmary. Briſtol was erected into a biſhoprick by Henry VIII. It contains 17 pariſhes, and, beſides the cathedral, 17 churches, and 5 chapels within the city, and 2 churches and 1 chapel in the ſuburbs; in all, 26 of the eſtabliſhed religion, and 15 places of worſhip for other perſuaſions. The hoſpitals and charitable foundations are more than twenty.

The hot well celebrated for its medical virtues, is about a mile and a half weſt from the city, cloſe by the Avon, in the county of Glouceſter, at the bottom of a ſtupendous hill, called St. Vincent's Rock, out of which the ſpring iſſues, and is defended by a thick wall, to prevent it being injured by the tide. Briſtol with the circumjacent demeſnes, including Clifton, and ſome other places which form the hundred of Barton Regis, contains 10,896 houſes, and 63,645 people.

The other great towns of Glouceſterſhire are Berkly, Camden, Durſley, Newnham, Marſhfield, Dean, Painſwick, Fetbury, Cheltenham, Hampton, or Minching Hampton, Fairford, Sodbury, Wotton Underedge, Lechlade, Wickware, Winchcomb, Stroud, Colford, Newent, Stow on the Wold, Morton, Northleach, Thornbury, and Stanly. Its chief rivers the *Severn*, *Wye*, *Avon*, *Iſis*, *Leden*, *Frome*, *Stroud*, and *Windruſh*; theſe contribute to the wealth of the county by affording plenty of excellent fiſh, particularly ſalmon, lamprey, and conger eels.

HAMPSHIRE,

MORE properly called the county of Southampton, is 60 miles in length, 30 in breadth, and 150 in circumference; its area is 1533 miles, or 981,120 acres, excluſive of the Iſle of Wight, which is about 60 miles in circumference; and is always conſidered as a part of the county. Hampſhire, thus generally conſtituted, is deſcribed in 10 diviſions, namely Alton North, Alton South, Andover, Baſingſtoke, Fawley, Kingſclere, New Foreſt Eaſt, New Foreſt Weſt, Iſle of Wight, and Portſdown; theſe form a great number of hundreds, and liberties, which are ſubdivided into 307 pariſhes, 18 tythings, 12 towns, 5 extra-parochial demeſnes, 3 hamlets, 1 chapelry, and 1 precinct, containing together 39,257 houſes, and 219,656 inhabitants.

The air is healthy, and the ſoil in general fertile, but various; a large

a large proportion inclining to chalk, with a great quantity of rich land and meadows. Towards Berkſhire, with the exception of a ſmall tract on the eaſt, which is heathy, the land is in general deep and good, producing great crops of corn, and is well planted with good timber, particularly oak and elm. Towards Dorſetſhire, in the ſouth-weſt part of the county, the land is open, and large tracts are covered with heath. The principal productions are corn, timber, wool, iron, honey, ſheep, and hogs. The planting of hops has of late years increaſed, principally on the borders of Surry.

The county returns two members to parliament, and the ſame number is deputed from each of the following places: Wincheſter, Southampton, Portſmouth, Lymington, Chriſtchurch, Andover, Whitchurch, Petersfield, Stockbridge, Newport, and Yarmouth, and Newton in the Iſle of Wight, making in all twenty-four.

Wincheſter, ſituated on the weſt-ſide of the river Alyre, is about a mile and a half in circumference within the walls, and was a place of conſiderable note in the time of the Romans, and in the ſubſequent ſtages of Britiſh hiſtory. In the caſtle, the foundation of which is aſcribed by tradition to king Arthur, William II. ſurnamed Rufus, was crowned. In the civil wars, it was taken from Charles I. by Sir William Waller, and was afterwards demoliſhed, except the old hall, a magnificent building, in which the aſſizes are now held. In this hall alſo hangs Arthur's round table. Near the ſite of this caſtle (whoſe keep with baſes of flint walls ſtill remains) Charles II., in the year 1683, laid the foundation of a moſt magnificent palace, of which only the ſhell was completed. The beſt materials have ſince been diſpoſed of, and the whole converted into a priſon. The cathedral is ſaid to have been founded on an ancient monaſtery; the preſent edifice was begun in the eleventh century, by biſhop Walkelyn, who built the tower, choir, tranſepts, and probably the weſt end. Biſhop Edindon undertook to repair the nave, but biſhop Wickham entirely rebuilt it in the year 1394. Beſides thirteen Saxon kings, here were buried the kings Lucius, Canute, Hardicanute, and William Rufus, queen Emma, and Richard, third ſon of the conqueror; but in the civil wars of the ſeventeenth century, republicaniſm and its aſſociate, the love of plunder, led to the violation of theſe abodes of the dead; the bones were ſcattered in confuſion, and collected together at random. Of the college of Wincheſter mention will be made in another place. The corporation, under a charter of queen Elizabeth, conſiſts of a mayor, recorder, 6 aldermen, 2 bailiffs,

and 24 common council-men. The city contains 810 houſes, and 5826 people.

Southampton conſiſts of one broad well built ſtreet, with ſome ſmaller branches, and contains 5 pariſh churches and an hoſpital. The reſort of company during the ſummer, for the purpoſe of ſea bathing, has occaſioned conſiderable improvements in the town, and a regular maſter of the ceremonies has been appointed to regulate the amuſements. Pipes are laid to convey freſh water from diſtant ſources; and adjacent to the town is a chalybeate ſpring. Packets ſail regularly in time of peace, from Southampton to Cherbourg, and every morning, except Monday, to the Iſle of Wight. In time of war a government cutter ſails every fortnight for Guernſey and Jerſey, which conveys paſſengers and parcels; and veſſels, of from twenty-five to forty tons, continually trade to thoſe iſlands; beſides which, there are about thirty veſſels employed in foreign commerce, and upwards of one hundred in the coaſting trade; the river is deep enough for the largeſt ſhips. This town was incorporated by Henry II. and John. It was made a county of itſelf, by Henry VI., and the corporation, conſiſting of a mayor, recorder, ſheriff, and 2 bailiffs, and an indefinite number of common council men and burgeſſes, was eſtabliſhed by Charles I. There are 11 juſtices of the peace; namely, the mayor for the time being, the biſhop of Wincheſter, the recorder, the laſt mayor, 5 aldermen, and 2 burgeſſes. All who have paſſed the chair are aldermen. The corporation has ſeveral officers, as a town clerk, 4 ſerjeants at mace, and a town crier. The mayor and bailiffs have a court for the recovery of ſmall debts. All cauſes are tried in the guildhall, where the quarter ſeſſions are alſo held. The mayor is admiral of the liberties, from South Sea Caſtle near Portſmouth, to Hurſt Caſtle, which is ſeated on a neck of land that runs ſo far into the ſea, as to form the ſhorteſt paſſage to the Iſle of Wight. The houſes are 1582, the people 7913.

Portſmouth will be noticed in this part only as to its civil ſtate; as a great naval arſenal, and fortreſs, it will engage attention in another diviſion of the work. It is ſituated in a portion of the county called the Iſland of Portſea, which is about 14 miles in circumference, and ſeparated from the main land by a narrow channel, over which is a bridge. Its corporation conſiſts of a mayor, 12 aldermen, a recorder, and an indefinite number of burgeſſes. This town, together with that of Portſea, contains 5340 houſes, and 32,166 inhabitants.

The other conſiderable towns are Goſport, Baſingſtoke, Alresford, Alton, Fareham, Havant, Kingſclere, Odiham, Waltham,

Waltham, Fordingbridge, Romſey, and Ringwood. The chief rivers are the *Stoure*, the *Avon*, the *Anton*, *Teſt*, *Alne*, and *Itchen*, which contribute to form the Southampton river; the *Hamble*, the *Lyming*, the *Beaulieu*, the *Darkwater*, and the *Meon*.

The Iſle of Wight is nearly divided into two parts by the river Medina, which riſes near the ſouth coaſt, and runs into the ſea on the north near Cowes; a ridge of hills alſo traverſes the iſland from eaſt to weſt; to the north of which the land is chiefly meadow and paſture, to the ſouth chiefly arable; the hills themſelves affording paſture for a great number of ſheep. The ſouth coaſt is bounded with ſteep rocks of chalk and free ſtone, and on the weſt are the rocks called the needles. The air is healthy, and the inhabitants are in general long lived; the ſoil is fertile, and the corn produced in one year is ſaid to be equal to the conſumption of eight; conſequently conſiderable quantities are exported, as are tobacco pipe clay, and a fine white ſand, uſed in the manufacture of glaſs. This Iſle has a governor and lieutenant-governor appointed by the crown. Henry Beauchamp, earl of Warwick, was by Henry VI. crowned king of Wight, but this new and extraordinary title died with him. Cariſbrook Caſtle, formerly the priſon of Charles I. now only a ruin, always calls to mind the ſufferings of degraded royalty. The other principal towns, beſides thoſe already mentioned as returning members to parliament, are Cowes and Ride. The houſes in the Iſle of Wight are 3685, the inhabitants 22,097.

HEREFORDSHIRE

Is in form nearly circular, the mean length 37 miles, the breadth 33, and the area is computed to contain 971 miles, or 621,440 acres. Its hundreds are 11, namely, Broxaſh, Ewyas-Lacy, Greytree, Grimſworth, Huntingdon, Radlow, Stretford, Webtree, Wigmore, Wolphy, and Wormelow; theſe form 220 pariſhes, 63 townſhips, 4 towns, 1 extra-parochial demeſne, and 1 liberty, and contain 17,825 houſes, and 89,191 people.

The land is generally fertile, and the country beautiful and picturesque; the extraordinary richneſs of the territory between the rivers Wye and Severn, is celebrated in a rhyming proverb:

> Bleſt is the eye,
> Between Severn and Wye.

The ſoil varies in different parts from a ſtrong clay to ſand, yet all are productive. The principal part of the land is employed in tillage, producing wheat, barley, oats, clover, turnips, &c.

&c. The country in general is well wooded, both in timber and coppice, the value of which is much increaſed by the cultivation of hops. Herefordſhire cyder being highly eſteemed, orchards, and the culture of apple trees, are a matter of conſiderable conſequence. The ſheep were formerly in much eſtimation, and the wool valuable on account of its ſtaple and fineneſs; but the farmers now prefer a breed with coarſer wool, but larger and more profitable. The climate is mild, and peculiarly ſalubrious; at leaſt few diſtricts can produce a parallel to the inſtance which was afforded by Mr. Serjeant Hoſkins, who aſſembled before King James I, in his progreſs through this county, ten men and women whoſe ages together exceeded 1000 years, and who entertained the monarch by dancing a morrice.

Herefordſhire returns to parliament 8 members; 2 knights of the ſhire, 2 citizens deputed by the city of Hereford, and the towns of Leominſter and Weobly ſend each 2 burgeſſes.

The city of Hereford ſtands on the Wye: during the wars between the Engliſh and Welſh, it was of conſiderable conſequence as a frontier poſition, and had a caſtle and walls, which are now gone to decay. Its corporation conſiſts of a mayor, and 12 aldermen, a high ſteward, a deputy ſteward, a recorder, and town clerk, with 31 common-council men. It contains 1460 houſes, and 6828 inhabitants.

The other principal towns beſides thoſe already mentioned, are Bromyard, Ledbury, Kington, Pembridge, and Roſs. The chief rivers are the *Frome*, the *Loden*, the *Lug*, the *Wye*, the *Wadel*, the *Arrow*, the *Dare*, and the *Monaw*, all which, eſpecially the Wye, abound in excellent ſalmon.

HERTFORDSHIRE

Is in ſhape very irregular, on account of the projections and interſections of other counties. It meaſures about 27 miles from north to ſouth, and 33 from eaſt to weſt. Its whole contents are reckoned at 602 ſquare miles, or 385,280 acres. Its hundreds are eight, Braughin, Broadwater, Dacorum, Edwintree, Hertford, Hitchin and Perton, Odſey, and Caſhid, which are ſubdivided into 121 pariſhes, 10 hamlets, 8 towns, 5 villages, 3 townſhips, 2 wards, 1 liberty, and 1 diſtrict. The houſes are 18,172, the people 97,577.

The air is pure and healthy, and often recommended by phyſicians to valetudinarians. The fertility of its ſoil is more owing to culture than its natural goodneſs. In this ſhire are many maltſters, millers, and dealers in corn, but few manufactures;

tures; the trade is however conſiderable, as it is a great thoroughfare, and its neighbourhood to London occaſions the chief market towns to be much frequented, for the ſale of wheat, barley, and all ſorts of grain, produced not only in this but other counties.

Six members ſit in parliament for Hertfordſhire; two for the county, two for the town of Hertford, and as many for that of St. Albans.

Hertford, the county town, ſituated on the river Lea, is ſaid to have been founded in the time of the ancient Britons. Its caſtle was built in the reign of king Alfred, to ſtop the incurſions of the Danes, who had ſailed up the river Lea, as far as Ware, where they had erected a fort, to which they retired after plundering the circumjacent country. In the reign of Henry VII., the ſtandard of weights and meaſures was fixed here; and queen Mary rendered it a corporation.

In the 25th and 35th years of Elizabeth, when the plague raged in London, Michaelmas term was kept here, and a new charter was granted by that queen. King James I. granted another charter, but the town is now governed by a mayor, a high ſteward, who is generally a nobleman, a recorder, 9 aldermen, a town clerk, a chamberlain, 10 capital burgeſſes, 16 aſſiſtants, and 2 ſerjeants at mace. It contains 542 houſes, and 3360 inhabitants.

St. Albans, originally called Verulam, owes its preſent name to Alban, the firſt martyr in Great Britain, who ſuffered in the reign of Dioclesian, and was buried on a hill near the town, where a monaſtery was afterwards erected, dedicated to his memory, by king Offa, as an atonement for the murder of his ſon-in-law. This abbey was richly endowed, and the abbots had great privileges. At the diſſolution, the abbey church was purchaſed by the towns people, and rendered parochial. The town and church abound with antiquities; Roman pavements and coins have been frequently diſcovered, and the ſite of the ditch of Verulam, and the Roman wall are ſtill to be traced. In the middle of the town of St. Alban's, king Edward I. erected a ſtately croſs in memory of queen Eleanor, who dying in Lincolnſhire, was carried through this town to be interred at Weſtminſter. The abbey, venerable for its antiquity and beauty, contains a funeral monument and effigies of king Offa, its founder, ſeated on his throne. On the eaſt ſide ſtood the ſhrine of St. Alban, and in the ſouth aiſle, near the ſhrine, is the monument of Humphrey, brother to king Henry V., commonly diſtinguiſhed by the title of the Good Duke of Glouceſter, adorned with a ducal coronet, and the

arms of France and England quartered. In niches on one ſide are ſeventeen kings, but in the niches on the other no ſtatues remain. Sometime ago were diſcovered, in digging a grave, ſtairs that led into a vault, in which was found a leaden coffin, wherein the duke of Glouceſter's corpſe was preſerved almoſt entire, by a kind of pickle in which it lay; only the fleſh was waſted from the legs, the pickle at the end of the coffin being dried up. In this church was a very noble font of ſolid braſs, given by Sir Richard Lea, maſter of the pioneers, who took it, among other plunder, out of Scotland, in the year 1543, where it ſerved as a font for baptizing the children of the royal family, but was placed here as a common baptiſtry. It was, however, carried away in the civil wars in the reign of king Charles I., and converted into money. The town is governed by a mayor, high ſteward, recorder, 12 aldermen, a town clerk, and 24 aſſiſtants. It has a diſtrict called a liberty, which has a juriſdiction both in civil and eccleſiaſtical matters peculiar to itſelf, extending over ſeveral neighbouring pariſhes. This liberty has a gaol, and a gaol delivery at St. Alban's four times a year, on the Thurſday after the quarter ſeſſions at Hertford. The town contains 527 houſes, and 3,038 people.

The other towns are Ware, Royſton, part of which is in Cambridgeſhire, Barnet, part of which is in Middleſex, Hitchin, Biſhop's Storford, Hempelhemſted, Standen, Berkhamſtead, Baldock, Hatfield, Buntingford, Stevenage, Rickmanſworth, Tring, Watford, and Hoddeſdon.

The manor of Wimley, or Wimondley Magna, near Hitchin, is held by the lord, upon condition that, on the coronation day, he perform the office of cupbearer to his ſovereign: the cup is to conſiſt of ſilver gilt, and is returned to the cupbearer, as the fee of his office, which has been appendant to this manor ever ſince the conqueſt.

The chief rivers are the *Lea*, *Coln*, *Gade*, *Bean*, *Rib*, and the *New River*.

HUNTINGDONSHIRE

Is an irregular ſquare, 22 miles from north to ſouth, and 18 from eaſt to weſt, and is computed to contain 345 miles, or 220,880 acres. It is divided into 4 hundreds, Hurſtingſtone, Leightonſtone, Normancroſs, and Toſeland, which form 106 pariſhes; the houſes are 6,976, the inhabitants 37,568.

Great part of the eaſt and north-eaſt part of the county conſiſts of moors and fens: along the river Ouſe are ſome rich meadows, beſides which there is a great quantity of arable land,

land, producing excellent wheat. The county is not remarkable for any manufacture, its trade chiefly conſiſting in its natural productions.

This county and that of Cambridge are united under one civil adminiſtration; having but one high ſheriff for both, who is choſen one year out of Cambridgeſhire in general, the ſecond out of the Iſle of Ely, and the third out of Huntingdonſhire.

This county returns to parliament two knights of the ſhire, and two burgeſſes for the town of Huntingdon.

This town, ſituated on the river Ouſe, was built on a ſpot that was an entire foreſt, until it was diſforeſted by Henry II., Henry III., and Edward I. It had once 15 churches, which in Camden's time were reduced to 4. It has now only 2, but contains ſeveral meeting-houſes. It is governed by a mayor, recorder, and 12 aldermen, and burgeſſes; and has 356 houſes, and 2,035 inhabitants.

The village of Godmanchеſter is remarkable for its ſize, population, and induſtry; it is compoſed of 347 houſes, and poſſeſſes 1573 reſidents.

The principal rivers of Huntingdonſhire are the *Ouſe*, and the *Nere*.

KENT.

THIS large and celebrated county is about 60 miles in length from eaſt to weſt, and from 30 to 38 from north to ſouth, 162 miles in circumference, and in area 1462 miles, or 935,680 acres. It is divided into 5 lathes, called St. Auguſtine, Aylesford, Scray, Shepway, and Sutton at Hone, which form 63 hundreds, and being ſubdivided into 302 pariſhes, 35 villages, 19 towns, 11 townſhips, 2 villes, and 1 extra-parochial juriſdiction, contain 52,998 houſes, and 307,624 inhabitants.

Two chains of hills run through the middle of Kent, called the upper and lower hills; the northern range, and whole north ſide of the county, are compoſed principally of chalk and flints; the ſouthern, iron and ragſtone; more weſterly towards Surry, clay and gravel prevail upon the eminences. Below this laſt range lies the Weald, an extenſive level tract of land, rich and fertile at ſome places, where fine paſturage and timber are produced. Moſt of the marſh land of this county lies along the margin, or at the mouths of the rivers, or has been formerly covered with the waters of ancient havens and ports, now in a great meaſure obliterated. The weald of Kent was formerly entirely covered with woods. It has now many ſmall towns and villages, but is more thinly inhabited and leſs cultivated than the other parts of the county. Its principal pro-

ductions are large fat oxen, hops, fruit, and oak timber. Romney-Marſh is an extenſive tract of rich land, at the ſouth corner of the county, originally encloſed from the ſea by a ſtrong wall, thrown up between the towns of Romney and Hythe. Its chief production is mutton and wool. The Iſle of Thanet is a dry hard rock of chalk, covered with a dry, looſe, chalky mould, from four to ſix inches deep; and is, without manure, a very poor ſoil. The vales are of a much better quality. The woodlands of the eaſtern part of Kent furniſh wood for firing and for huſbandry, and the dock-yards with timber for ſhip-building; but the moſt material part of their produce is the immenſe quantity of hop-poles cut out for the neighbouring plantations. The lands in the vicinity of Faverſham, Sandwich, and Deal, are extremely fertile, and under the moſt excellent ſyſtem of management, producing great crops of wheat, beans, barley, oats, peaſe, and ſometimes canary and radiſh ſeeds. In the vicinity of Sandwich are many orchards, which ſome years produce large quantities of excellent apples. The hop grounds between Sandwich and Canterbury produce the fine Eaſt-Kent hops, ſo much ſought after by the London brewers; but the principal hop-plantations are about Canterbury and Maidſtone. In the neighbourhood of Maidſtone are a great number of ſmall fields, of from one to ten acres, and ſomewhat more, planted with fruits of different kinds, cherries, apples, and filberds, to which the rocky ſoil of the neighbourhood ſeems particularly adapted. The weſtern part of this county conſiſts of a great variety of ſoils and ſyſtems of management. It is much more encloſed than the eaſtern part, and produces more timber and underwood.

The general productions of the county are horſes, cattle, ſheep, hogs, veniſon, poultry, game, rabbits, and fiſh; wheat, barley, oats, beans, peas, and tares; canary, clover, trefoil, cinquefoil, and moſt other garden ſeeds; aſparagus, potatoes, turnips, and all kinds of culinary plants; hops, timber, underwood, iron, ſtone, chalk, copperas, and ſalt. Its manufactures are not very conſiderable.

The principal rivers of Kent are the *Thames*, the *Medway*, the *Stour*, and the *Rother*; the two former are navigable for the largeſt ſhips to Woolwich and Chatham, and for ſmall craft to a very great diſtance. The Stour and the Rother admit coaſting veſſels to Sandwich and Rye. The *Ravenſborn*, the *Cray*, and the *Darent*, are ſmall ſtreams that fall into the Thames; the firſt at Deptford, the others in one channel at Longreach. Theſe rivers have formed iſlands towards their mouths. Thus the Thames and the Medway, at their extremities, contributed their waters jointly to the ſeparation of the

iſle of Grain from the main land, but the channel is now filled up. The Swale, one of the mouths of the Medway, in like manner cuts off Shepey from the continent of Eaſt Kent.

Thanet had a full claim to the title of an iſland, when the Reculver was in its proſperity; but its pretenſion to the appellation is now barely kept up by a ſmall ſewer, communicating with the Stour and the ſea. The bed of that once-famous harbour now forms valuable tracts of marſhes, comprehending twenty-five thouſand acres. Thanet, including Stonar, contains forty-one ſquare miles, or nearly twenty-ſeven thouſand acres.

Kent ſends to parliament 18 members; two for the ſhire; and two each for Rocheſter, Canterbury, Maidſtone, Queenborough, Dover, Sandwich, Hythe, and Romney.

Rocheſter is ſituated on the Medway, over which is a handſome bridge of ſtone. It is the Durò Brives of Antoninus, and ſuffered great calamities in the earlieſt periods of Engliſh hiſtory. Its preſent corporation, under a charter, granted by Charles I. conſiſts of a mayor, recorder, 11 aldermen, and 12 common council, a town clerk, 3 ſerjeants at mace, and a water bailiff. Once a year, or oftener, the mayor and citizens of Rocheſter hold what is called an admiralty court, to appoint times when oyſters ſhall be taken out of their fiſhery, and ſettle the quantity each drudger ſhall take in a day. It contains 1150 houſes, and 6817 inhabitants.

Canterbury is a city of the higheſt antiquity; the reſidence of Vortigern, when the Romans quitted Britain; the ſeat of government, while Kent was a kingdom of the Heptarchy; and, in ancient, as well as modern times, the ſee of an archbiſhop, who is primate of all England, and metropolitan. It is a county of itſelf, and the magiſtrates have authority to determine all law-ſuits between the citizens, and to try for capital crimes committed within the city. The corporation conſiſts of a mayor, a recorder, 12 aldermen, a ſheriff, 24 common-council men, a ſword-bearer, and four ſerjeants at mace. A court is held every Monday in the guildhall, for civil and criminal cauſes; and every other Thurſday for the government of the city, which is divided into ſix wards. Canterbury was formerly celebrated for its ſilk manufacture, which has for ſome years been on the decline: the principal manufactures are thoſe of worſted and Canterbury muſlins, made of ſilk and cotton. It is alſo famous for brawn. Here were formerly 17 churches within the walls, and three in the ſuburbs, fifteen only of which remain. The Jews have a ſynagogue; Methodiſts, Anabaptiſts, Preſbyterians, and Quakers, have each a place of public worſhip. In the cathedral was once the famous ſhrine of Thomas-à-Becket, who was murdered at the altar in the year

1170, and canonized by pope Alexander. To this place pilgrims from all parts of the world continually flocked, until the reformation, when Henry VIII. took to himself the riches of the shrine, and ordered the name of Thomas to be erased from among the saints. Canterbury contains 1799 houses, and 9000 people.

Maidstone is a large, populous, and flourishing town, on the side of a hill, near the Medway, over which is a bridge of seven arches. The town consists of four principal streets, which intersect each other at the market cross, and extends a mile from north to south, and three quarters of a mile from east to west. It is a very ancient corporation, and was, at first, governed by a portreeve; but after several intermediate disfranchisements and restorations, according to the circumstances of the times, a new charter was granted by George II. in 1748, which confirmed the authority of the mayor, 13 jurats, and 40 common-council men, and extended their jurisdiction over several neighbouring towns and parishes. The navigation of the Medway is of essential service to the town, and several vessels, of considerable burthen, are continually employed in conveying to the dock-yard and town of Chatham, and to Rochester and London, large quantities of stores and provisions, the produce of the county. Maidstone contains 1346 houses, and 8027 inhabitants.

Dover, Sandwich, Hythe, and Romney belong to the description of Cinque Ports, but the nature and effect of that establishment will be considered in another division of this work, and therefore these places will be treated of here, merely as towns within the district of the county.

Dover was formerly of more consequence than at present. From its vicinity to the coast of France, its defence was considered of the highest importance, and its castle was termed the key of England. It was afterwards unduly neglected, but of late the attention of government has been again directed towards it, and the fortifications are assuming a formidable aspect. The cliffs are conspicuously striking; on one Shakspeare employed his pen, and it is still distinguished by his name. The town formerly contained seven churches, of which two only now remain: its greatest period of prosperity is, in time of peace with France, when travellers and traders contribute to employ and enrich the people. The corporation consists of a mayor, 12 jurats, and 36 common-council men. The houses in the town and liberties are 3570; the inhabitants 14,845.

Sandwich is a place of considerable antiquity, and formerly of great note; but the harbour is now so choaked with sand, and by means of a sunk ship, that vessels of small size alone can

enter. There was formerly a manufacture of cloth eſtabliſhed, in the reign of Queen Elizabeth, by ſome refugee Walloons and Dutchmen, but now its principal trade is in ſhipping and malting. The corporation conſiſts of a mayor, recorder, 12 jurats, and 24 common-council men. The town contains 1398 houſes, and 6,506 inhabitants.

Hythe and Romney are places of inferior importance; but beſides thoſe which return members to parliament, Kent has the following towns, ſeveral of which are entitled to particular notice: Chatham, Woolwich, Greenwich, Deal, Tunbridge, Folkſtone, Graveſend, Aſhford, Dartford, Appledore, Cranbrook, Eltham, Bromley, Seven Oaks, Wye, Tenderden, Smarden, Goudhurſt, Lenham, Malling, Lydd, Margate, Wrotham, Ramſgate, Eltham, Milton, Feverſham, Weſterham, Deptford, Sittingbourn, Northfleet, Crayford, and Folkingham.

Chatham, on the Medway, and adjoining the city of Rocheſter, is principally diſtinguiſhed for its dock, and the cheſt for benefit of ſeamen, which will claim attention in another diviſion of this work. It has alſo good barracks. It contains 1729 houſes, and 10,505 people.

Woolwich and Greenwich are alſo chiefly remarkable for objects which will hereafter demand ſeparate attention: the former for the royal dock-yard, and the military academy; the latter for the ſplendid hoſpital, which national munificence has eſtabliſhed for the retreat of diſabled ſeamen. Woolwich has 1362 houſes, and 9826 inhabitants. Greenwich 2121 houſes, and 14339 inhabitants. Theſe places, though abundantly ſupplied with the ſources of gratification and amuſement, are principally the reſort of thoſe devoted to buſineſs or ſtudy; but health or pleaſure, during certain ſeaſons of the year, ſend forth their votaries to the elegant bathing eſtabliſhments at Margate and Ramſgate, or to the ſalubrious mineral ſprings at Tunbridge.

It is not poſſible in this work, even briefly to touch on every circumſtance, or notice every place which contributes to the celebrity of the county of Kent. It has been the ſubject of encomium to ancient and to modern authors; and the county, and the men of the county, are equally extolled.

Kent is ſaid to have been the firſt place of Britain which received the Chriſtian religion; and at the time of the Norman conqueſt, the men of Kent, by their firmneſs, obtained from the invader the confirmation of their ancient privileges, and averted from themſelves the diſgrace of being conſidered as a conquered people. Among theſe privileges was the gavel-kind tenure, which will be deſcribed in another part of this work.

Lancashire.

This county, as already has been mentioned, is one of the counties palatine which has been reannexed to the crown; it would, therefore, be unneceſſary here to advert to its privileges in that reſpect; but as there is ſtill a court, with a chancellor and other officers, who ſit at Weſtminſter, that court, with other particulars relative to the property and privileges of the duchy, will be introduced to notice in their place.

Lancaſhire is 74 miles long, from 15 to 44 wide, 170 in circumference, and in area 1806 miles, or 1,155,840 acres. It is compoſed of ſix hundreds; namely, Amounderneſs, Blackburn, Leyland, Lonſdale, Salford, and Weſt Derby, in which are 323 townſhips, 8 towns, 7 pariſhes, 4 extra-parochial places, and 2 hamlets: theſe contain 117,664 houſes, and 672,731 inhabitants.

A ridge of mountains, ſeparating this county from Yorkſhire, and continuing its courſe through ſome other counties, has been called the Backbone of England: this mountain ſkreens Lancaſhire from the eaſterly winds, and their attendant evils, and is thought to cauſe a greater quantity of rain than in the more interior parts of the kingdom; but does not ſeem to make the climate leſs wholeſome. The air is in general more ſerene than that of any other maritime county in England; ſo that the inhabitants are ſtrong and healthy, except near the fens and ſea ſhore, where ſulphureous and ſaline effluvia, which, on the approach of ſtorms are extremely fœtid, produce fevers, ſcurvies, conſumptions, rheumatiſms, and dropſies. There are alſo certain tracts in the more inland parts of the county, called moſſes, which are moiſt and unwholeſome.

Lancaſhire, poſſeſſing the great advantages of coal and water, is famous for its manufactures: the coal lies in vaſt beds towards the ſouthern and middle parts, and the rivers and ſprings are no leſs beneficial to agriculture than to commerce. A ſpecies called cannel, or candle-coal, is found in this county, eſpecially in the manor of Haigh, near Wigan. It will not only make a much clearer fire than pit coal, but will bear a good poliſh, when it looks like black marble; and is manufactured into candleſticks, cups, ſtandiſhes, ſnuff-boxes, and other toys. The other minerals found in Lancaſhire are lead, iron, and copper, antimony, black lead, lapis-calaminaris, beſides allum, brimſtone, and green vitriol, which are diſcovered in ſome of the coal pits. It produces alſo excellent lime-ſtone, free-ſtone, ſcythe-ſtones, flags, and ſlates, both grey and blue. Timber is alſo in plenty.

The features of this county are, in many places, ſtrongly marked,

marked, and the ſoil is greatly diverſified. There are many large tracts, which come under the denomination of moſſes, and ſome ſtiff, but not obdurate clay lands. The moſſes, or moraſſes, are generally diſtinguiſhed into three kinds; the white, the grey, and the black; all which, being drained, bear good corn. They alſo yield turf for fuel, and marle for manure: trees are ſometimes found lying buried in theſe moſſes, and the people make uſe of poles and ſpits to diſcover where they lie. Theſe trees, when dug up, ſerve alſo for firing, and they burn like a torch, which ſome ſuppoſe to be owing to the bituminous ſtratum in which they lie; but others to the turpentine which they contain, being generally of the fir kind.

The chief rivers are the *Merſey*, *Ribble*, *Wire*, *Lon*, and *Ken*. The Merſey abounds with ſparlings and ſmelts; the Ribble with flounders and plaice; the Lon with the beſt ſalmon; and the Wire is famous for a large ſort of muſcle, called Hambleton hookings, (becauſe they are dragged from their bed with hooks), in which pearls, of a conſiderable ſize, are often found. The Irk, a ſmall river that falls into the Merſey, is remarkable for eels, ſo fat, that few people can digeſt them. There are alſo ſeveral lakes in this county, which abound with fiſh, particularly Kenningſton Meer, about five miles from Winandar Meer, in Weſtmoreland, which has very fine charrs and other fiſh. On the ſea coaſts are found cod fiſh, flounders, plaice, and turbots: the ſea dog, incle fiſh, and ſheath fiſh, are taken upon the ſands near Liverpool; ſturgeon is caught near Warrington; and along the whole coaſt are found green-backs, mullets, ſoles, ſand eels, oyſters, lobſters, ſhrimps, prawns, the echim, torculars, wilks, and periwinkles, rabbit fiſh, and pap-fiſh; and ſuch abundance of muſcles, that the huſbandmen uſe them for manure.

Many uncommon birds have been obſerved on the coaſts of this county; particularly the ſea crow, diſtinguiſhed by its blue body, and its black head and wings, and by its feeding upon muſcles; the puffin; the aſper, a ſpecies of ſea eagle; the ſparling fiſher; the cormorant; the curlew-hilp; the razor-bill; the copped wren, a bird like a water-wag-tail, of a red colour; beſides which there are red ſhanks, perrs, ſwans, the tropic bird, king's-fiſher, and heyhough.

Lancaſhire is repreſented in parliament by 14 members, being two for the county, and as many for each of the following places: Lancaſter, Liverpool, Preſton, Wigan, Clithero, and Newton.

Lancaſter, the county town, from which the name of the ſhire is derived, is ſituated on the river Lon. It is of conſiderable antiquity; and the caſtle, now uſed as a jail, is ſaid to have been

been originally a ſtation formed by Agricola. On the top of this caſtle is a ſquare tower, called John of Gaunt's chair, which commands a beautiful and extenſive proſpect of the adjacent country, and the ſea. Here is but one church, which is a handſome ſtructure, with a ſquare tower, and ſtands on the very top of the caſtle hill. Lancaſter has a cuſtom-houſe, and a ſtone bridge of five arches, over the river Lon; but the port is ſo choaked with ſand, that it will not admit of ſhips of any conſiderable burthen. It has, however, trade to America, the Weſt Indies, and the Baltic, and the inhabitants export hardware, woollen manufacture, and ſail cloth. The circumjacent country is barren, and thinly peopled, but their condition is conſiderably improved by navigable canals. The corporation conſiſts of a mayor, a recorder, 12 aldermen, 2 bailiffs, 12 capital burgeſſes, 12 common burgeſſes, a town clerk, and two ſerjeants at mace. The town contains 1611 houſes, and 9030 people.

Preſton is a large handſome borough, ſeated on a delightful eminence, on the north ſide of the river Ribble, over which is a fine ſtone bridge, and was incorporated by King Henry II. It roſe out of the ruins of Ribcheſter, now a village, but anciently a conſiderable city in the neighbourhood, and is a place of reſidence for the officers belonging to the chancery of the county palatine. The town was burnt in the year 1715, in a conflict between the king's troops and the rebels, who fired on them from the roofs and windows; but compenſation was made by government, and the town aroſe more beautiful than before. This place is remarkable for its guild or jubilee, held every twentieth year: it commences in Auguſt, and continues a month. The corporation is formed of a mayor, recorder, aldermen, four under aldermen, 17 common-council men, and a town clerk. In the town are 2231 houſes, and 11,887 people.

Wigan is conſiderable for its manufacture of checks, linen, and cotton. It is ſituated on a ſmall ſtream, called Douglas, which is made navigable to the Ribble, and joins to a canal from Liverpool. A mayor, recorder, 12 aldermen, two bailiffs, and a ſword and mace-bearer, form its corporation, and their juriſdiction extends over 2236 houſes, and 10,989 people.

Liverpool, ſituated on the eaſt ſide of the Merſey, not far from its mouth, in the Iriſh ſea, is one of the moſt commercial and flouriſhing ports of the kingdom. The inhabitants trade to all parts of the world, except Turkey and the Eaſt Indies. The harbour is artificial, but capable of receiving veſſels, of any burthen, up to the town. There are ſeveral public docks for the reception of ſhips, where a thouſand may lie in the greateſt ſafety,

ſafety, all bound by quays, a mile and a half in length, with room for 20,000 ton of ſhipping. The entrance of the river is dangerous, though every mean is uſed to render it more ſecure. In the middle of the ſixteenth century, Liverpool was a ſmall place, with only one church, which was a chapel of eaſe to Walton. In the year 1699, an act paſſed to make the town a diſtinct pariſh, and erect a new church, ſince which time it has been gradually advancing in population and commerce. A principal branch is the African and Weſt-Indian trade; but that with America, the Baltic, Portugal, and Ireland, is alſo very conſiderable. Several ſhips are ſent annually to Greenland, and many veſſels are employed in the country trade for corn, cheeſe, coals, and other commodities. Here are ſeveral manufactories for china ware and pottery, ſome ſalt works, glaſs-houſes, and upwards of fifty breweries, from ſome of which large quantities of malt liquor are ſent abroad. Liverpool contains ten churches, beſides places of worſhip for the religious of other perſuaſions, an exchange, a cuſtom houſe, a public infirmary, a priſon, built on the plan of the humane Mr. Howard, an obſervatory, a theatre, and other public edifices, among which ſhould not be forgotten the Athenæum, a library formed on the moſt liberal and extenſive plan. The exchange, which coſt 30,000l. is erected on the ſpot where the town-houſe ſtood, at the top of Water-Street, and is a grand edifice of white ſtone, built in the form of a ſquare, about which are piazzas for the merchants to walk in. Above ſtairs are the mayor's offices, the ſeſſions-hall, the council-chamber, and two elegant ball-rooms. The town is governed by a mayor, annually choſen on St. Luke's day, a recorder, and common-council of forty-one, including the mayor, recorder, and town clerk. Whoever has borne the office of mayor is afterwards ſtyled an alderman. It contains 11,784 houſes, and 77,653 inhabitants.

Mancheſter, an inland town, is more populous even than Liverpool, and not leſs remarkable for its progreſſive proſperity, which is owing to its manufactures of fuſtian, and thoſe articles in cotton and linen, which are generally denominated Mancheſter goods. Its extenſive trade and beneficial induſtry render not only the town, but the country for many miles round, rich and populous. It has fourteen churches, beſides other places of worſhip for thoſe who do not conform with the eſtabliſhment; a college, which was founded in 1421, by Thomas de la War, at firſt rector of the pariſh church, and brother to Lord De la War, for a maſter or warden, eight fellow chaplains, four clerks, and ſix choriſters, in honour of St. Mary, St. Dennis, and St. George; an hoſpital, called Cheetham's, founded for the education and maintenance of forty poor boys;

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an infirmary, theatre, exchange, and other public buildings. In 1781, a Literary and Philoſophical Society was inſtituted here, by ſome men of conſiderable eminence in the republic of letters. Mancheſter has no corporation; it contains 12,826 houſes, and 84,020 people.

Lancaſhire contains many other conſiderable towns, the chief of which are, Blackburn, Bolton, Burnlay, Bury, Cartmel, Chorley, Colne, Dalton, Garſtang, Haſlingden, Hawkſhead, Kirkham, Leigh, Ormſkirk, Poulton, Preſcot, Rochedale, Ulverton, and Warrington.

At Ancliff, about two miles from Wigan, is a curious phænomenon, called the burning well, the water of which is cold, and has no ſmell, yet ſo ſtrong a vapour of ſulphur iſſues out with it, that on the application of fire, the top of the water is covered with a flame, like that of burning ſpirits, which laſts ſeveral hours, and emits ſo fierce a heat that meat may be boiled over it; but this water being taken out of the well, will not emit vapour in quantity ſufficient for inflammation.

LEICESTERSHIRE.

THIS county is 48 miles from north to ſouth, and 30 from eaſt to weſt, and contains 816 miles, or 522,240 acres. The hundreds are ſix, Framland, Gartree, Goſcote Eaſt, Goſcote Weſt, Guthlaxton, and Sparkenhoe; theſe form 268 pariſhes, 35 townſhips, 10 liberties, 8 hamlets, 3 villages, 2 towns, 2 extra-parochial juriſdictions, and 1 lordſhip, and contain 26,734 houſes, and 130,081 inhabitants.

The ſoil varies, from a light ſand or gravelly loam, to a ſtiff marly loam, including all the intermediate degrees. The climate is generally temperate, and the land well watered. Leiceſterſhire is to be conſidered almoſt entirely as a county of agriculture, having no conſiderable manufacture, except ſtockings. The breed of large black draught horſes, and horned cattle, as well as of ſheep, has been long celebrated; but within theſe few years the latter have been brought to an aſtoniſhing degree of excellence, chiefly through the great judgment and care of Mr. Bakewell, of Diſhley, whoſe plan has been ſucceſsfully purſued.

The chief rivers are the *Anker*, *Avon*, *Soar*, *Swift*, *Welland*, and *Wretle*.

The principal towns are Leiceſter, Aſhby de la Zouch, Boſworth, Hallaton, Harborough, Lutterworth, Melton Mowbray, Mount Sorrel, Billeſden, Hinkley, Loughborough, and Waltham on the Wold.

Four members are returned to parliament, two for the ſhire, and

and as many for the county town, which is called Leiceſter, and ſaid by tradition to have been founded by king Lear. It ſtands upon a branch of Watling-ſtreet, called the Foſs Way, and the traces of a Roman wall quite round may, in ſome places, be ſtill diſcovered. The Roman town was 2500 feet in length, and 2000 feet in breadth. It appears, in the time of the Romans, to have been a place of conſiderable note, from the multitude of bones of various beaſts, ſuppoſed to have been offered in ſacrifice, which have been dug up in a part of the town ſtill called Holy Bones, where there are ſome ruins of a ſuppoſed temple of Janus. Before the caſtle was diſmantled, it was a prodigious building, being the court of the great duke of Lancaſter, who added to it 26 acres, which he encloſed with a high wall, and called his *Novum Opus*, now the Newark, where are ſtill the beſt houſes in all Leiceſter, and they continue extra-parochial, as being under caſtle guard, by an old grant from the crown. The caſtle hall and kitchen are ſtill entire, the former of which is lofty and ſpacious.

A parliament was held at Leiceſter in the reign of Henry V. wherein the firſt law was made for burning heretics. In the Doomſday-book this town is ſtyled a city, and the title of mayor was given to its chief magiſtrate in 1248, 32 Henry III. Its charter is derived from king John, and its freemen are toll free at all fairs and markets in England. It is governed by a mayor, recorder, ſteward, bailiff, 24 aldermen, 48 common-council men, a town clerk, and other officers. It contains 2290 houſes, and 16,953 people.

Lincolnshire.

This county is 77 miles in length, from north to ſouth, 48 from eaſt to weſt, 170 in circumference, and contains 2787 miles, or 1,783,680 acres. The general diviſion of this county is into the three diſtricts of Holland, Keſteven, and Lindſey, which are ſubdivided into 29 members, called wapentakes, hundreds, and ſokes. Theſe include 611 pariſhes, 64 townſhips, 11 hamlets, 8 towns, 7 villages, and 7 extra-parochial diſtricts; the houſes are 42,489, the inhabitants 208,557.

The air and climate of this county, in point of ſalubrity, are, in the higheſt part, equal to any in the kingdom, and the fenny and marſhy parts have been much improved by drainage.

Every ſpecies of ſoil may be found in this county, from the ſharpeſt ſand and lighteſt moor to the ſtrongeſt clay, in all its various mixtures and qualities. Its higher grounds yield grain of all ſorts in great abundance; and its lower, oats, hemp, flax, woad, and other articles of culture; but it is particularly diſtinguiſhed as a grazing county, and is remarkable for rearing all

all kinds of animals to the greateſt ſize and weight. Its horſes, horned cattle, and ſheep, are of the largeſt breed; the latter are clothed with a long thick wool, peculiarly fitted for the worſted and coarſe woollen manufactures, of which great quantities are ſent into Yorkſhire and other counties. Lincolnſhire is not in itſelf a manufacturing county, (at leaſt in a very ſmall degree,) and indeed has declined from its ancient populouſneſs and conſequence. A principal reaſon of this is a ſingular decay of its ſea-ports, which, though formerly numerous, are now almoſt entirely choaked with ſand, and ſome of them quite deſerted by the ocean. The long bow-like coaſt is fronted by ſand hills, or ſalt marſhes; and, like thoſe in the Dutch ſtates, ſecured from the waves by dykes, and ſo low as to be viſible only at a ſmall diſtance from the ſea.

Of the three diſtricts Lindſey is much the largeſt, comprehending all the country from Foſſdike, and the Witham, northwards. It is, on the whole, the higheſt part of this county, though without any eminence deſerving the name of a hill. Toward the north eaſtern part is a large tract of heathy land, called the Wolds, of which the ſouthern portion is well inhabited, but the northern very ſcantily. Great flocks of ſheep are bred throughout this tract. In the north weſtern part of Lindſey is the river iſland of Axholm, formed by the Trent, Dun, and Idle; a rich low tract, in which flax is cultivated. Keſteven contains the weſtern part of the county, from the middle to the ſouthern extremity. It poſſeſſes variety of ſoil; but on the whole, though intermixed with large heaths, is a fertile country. The principal of theſe heaths are thoſe of Ancaſter and Lincoln, forming a very extenſive tract, which has, however, been of late years in great part encloſed. Part of the fens are in the diſtrict of Keſteven; but much greater part in the remaining and ſmaller one of Holland, which occupies the ſouth-eaſtern quarter of Lincolnſhire, being contiguous to the ſhallow inlet of the ſea called the Waſh.

The principal rivers are the *Weland*, *Trent*, *Humber*, *Nen*, *Witham*, *Glean*, *Bain*, and *Ancholme*. Many of theſe, beſides fiſh, afford great profits to the proprietors of decoys, in which vaſt numbers of wild ducks, and other fowl, are captured.

Lincolnſhire is repreſented in parliament by 12 members, two ſitting for the county, as many for the city of Lincoln, and the ſame number for Grantham, Stamford, Great Grimſby, and Boſton.

The city of Lincoln, in the diviſion of Lindſey, is ſituated on the river Witham. It is of great antiquity, and was originally built in the form of a large ſquare. One of the Roman gates, now called Newport-gate, is ſtill entire. A caſtle, with many forts,

forts, was built here by the Romans, and repaired by the Saxons and Normans, and particularly by William I. after his conqueſt over Harold. John of Gaunt's palace, below the hill, was built by John of Gaunt, duke of Lancaſter, and earl of Lincoln, Leiceſter, and Derby, in the reign of Richard II. Lincoln was erected into a biſhoprick in the year 1088, this ſee being removed from Dorcheſter. The length of the cathedral from eaſt to weſt (including the walls) is 530 feet. The length of the great tranſept, from north to ſouth, is 227: from the pavement to the top of the lantern, in the rood tower, is 124 feet. Before the reformation this cathedral was the fineſt and richeſt in the kingdom, and the number and ſplendour of its tombs almoſt incredible. In the reign of king Henry VIII. there were carried, by the king's orders, from this church, 2621 ounces of pure gold, and 4285 ounces of ſilver, beſides an amazing quantity of diamonds, pearls, ſapphires, rubies, turquoiſes, carbuncles, and two ſhrines, one of pure gold, called St. Hugh's, the other of ſilver, called Biſhop St. John of D'Alderby. A ſecond plunder was committed on this church in the year 1548, during the preſidence of biſhop Holbech, who being a zealous reformiſt, gave up the reſidue of treaſure which Henry had left. The city is ſo full of the ruins of monaſteries and religious houſes, that the very barns, ſtables, out-houſes, and even ſome of the hog-ſtyes, are built with arched windows and doors. The ruins of the caſtle are venerable pieces of antiquity. Lincoln is a county of itſelf, and has a viſcountial juriſdiction 20 miles round, a privilege enjoyed by no other city in England. It is governed by a mayor, 12 aldermen, 2 ſheriffs, a recorder, 4 chamberlains, a ſword-bearer, a coroner, and 48 common-council men. Its houſes are 1574, the inhabitants 7398.

Grantham is an ancient and reſpectable borough in the diſtrict of Keſteven, ſituated on the river Witham. It had in former times a monaſtery of Franciſcan, or Grey-Friars. The ſpire of its church is remarkable, riſing in height 300 feet. It is governed by an ancient corporation, conſiſting of an alderman, recorder, 12 common burgeſſes, a coroner, an eſcheator, and 12 conſtables to attend the court. The alderman and burgeſſes have power to act as juſtices of the peace for the corporation and ſoake of Grantham, which together contain 1457 houſes, and 7014 inhabitants.

Stamford and Great Grimſby, though ſtill places of ſome conſideration, have conſiderably declined from their ancient wealth, commerce, and proſperity. Boſton is more populous and thriving, the ſeat of an active trade to the Baltic and London. It is governed by a mayor, who is chief clerk of the market,

market, and admiral of the coaſt, a recorder, 12 aldermen, a town clerk, 18 common-council men, a judge, and marſhal of the admiralty, a coroner, 2 ſerjeants at mace, and other officers, and has 1252 houſes, and 5926 people. The other towns of note are Alford, Barton, Binbrook, Bolinbroke, Bourn, Burgh, Burton, Caſtor, Crowland, Crowle, Deeping, Donnington, Folkingham, Gainſborough, Glamford Briggs, Holdbach, Horncaſtle, Kerton-Lindſay, Louth, Market Raiſin, Saltfleet, Sleaford, Spalding, Spilſby, Stanton, Tatterfal, Wainfleet, and Wragby.

MERIONETHSHIRE

Is a county of North Wales, 35 miles in length, 25 in breadth, in circumference 108, and containing 691 miles, or 442,240 acres. It is divided into five hundreds, Ardudwy, Edernion, Eſtimaner, Penllyn, and Talybont, which form 33 pariſhes, and 1 hamlet, and contain 5980 houſes, and 29,506 inhabitants.

This county is mountainous, and remarkable for its wild and romantic beauties, excellently adapted for grazing, and produces more ſheep than any other diſtrict in Wales. Beſides theſe it is well provided with deer, goats, fowl, and all ſorts of fiſh, particularly herrings, which are taken on the coaſt in great abundance.

It returns only one member to parliament, a knight of the ſhire. The towns are Harlech, Dolgelly, Bala, Dinaſmowdy, and Merioneth. The principal rivers are the *Gwynedd*, the *Drwydd*, the *Mawdoch*, the *Avon*, the *Dee*, the *Dovy*, the *Cayne*, and the *Mothwaye*.

MIDDLESEX.

Is nearly 24 miles in length, 14 in breadth, and 115 in circuit, and contains 297 ſquare miles, or 190,080 acres. This county, although one of the ſmalleſt, is the richeſt and moſt populous in the kingdom, which will naturally be aſcribed to the circumſtance of its being the ſeat of the Britiſh metropolis. It is formed of ſix hundreds, and three diviſions, namely, Edmonton, Elthorne, Gore, Iſleworth, Kenſington, and Spelthorne hundreds, and Finſbury, Holborn, and the Tower diviſions. Including the cities of London and Weſtminſter, there are within the circuit of Middleſex 191 pariſhes, 14 extra-parochial diſtricts, (11 of which are inns of courts and chancery, and the other 3, Ely-place Holborn, the Charter-Houſe, and a place in Kenſington hundred, called Weſt Twyford,) 8 hamlets, 7 liberties, 6 precincts, 2 towns, and 1 village; the houſes are 118,083, the inhabitants 818,129.

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The ſoil in general is loamy, tending in various places to gravel, clay, and ſand; in the neighbourhood of London, where manure is eaſily to be obtained, the land is moſtly employed in gardens and nurſeries, or laid down for graſs. From theſe gardens, which are kept in the higheſt poſſible ſtate of cultivation, the metropolis receives a copious and early ſupply of the beſt vegetables, and many fruits and flowers. The graſs lands afford daily an abundant ſtore of milk. At a greater diſtance, eſpecially towards Buckinghamſhire, are conſiderable tracts of arable land, which produce good crops of corn. There are ſome very extenſive meadows on the ſide of the rivers Thames, Lea, and Coln.

The cities in Middleſex are London and Weſtminſter; but as a ſeparate portion of this work is allotted to the deſcription of the metropolis in all its parts, the ſubject will not in this place be touched upon.

The towns are Barnes, Brentford, Edgeware, Enfield, Hounſlow, Staines, and Uxbridge. Beſides theſe, almoſt every village in the county is enriched and beautified by the reſidence of ſome royal, noble, or wealthy individuals. In every direction the eye is allured by the various exhibitions of proſperity, comfort, and good taſte, diſplayed in neat villas, ſuperb manſions, elegant gardens, and luxurious repoſitories of alien fruits and curious exotics. To deſcribe all theſe would exceed the limits of a work intended to compriſe, in a moderate ſpace, ſo many objects; but the abodes of royalty, and the great national eſtabliſhments, whether of commerce, learning, or charity, will not be omitted in their proper departments.

The rivers of moſt note in this county are the *Thames*, the *Coln*, and the *Lea*; the New River ought perhaps, in ſtrictneſs, to be termed a canal; and, as their names often occur in books and converſations, it may be proper merely to mention two inſignificant ſtreams, the *Brent* and the *Fleet*.

Middleſex returns eight members to the houſe of commons, two knights for the ſhire, four for London, and two for Weſtminſter. The ſheriff is not, as in other counties, appointed by the king in council; but the ſheriffs of London ſerve alſo for Middleſex.

MONMOUTHSHIRE

DERIVES its name from the capital town; though now an Engliſh county, it may be juſtly conſidered the connecting link between England and Wales, uniting the ſcenery, manners, and language of both. It is 28 miles in length, and 20 in breadth, and in area 516 miles, or 330,240 acres. It is divided into the ſix hundreds of Abergavenny, Scenfreth, Wentloog, Uſk,

Raglan, and Caldecot, which form 129 parifhes, 15 hamlets, 3 towns, 3 townfhips, and 2 villages, and contain 9365 houfes and 45,582 inhabitants.

The air of Monmouthfhire is temperate and healthy, and the foil fruitful; the eaftern parts are woody, and the weftern mountainous. The animal and vegetable productions are fimilar to thofe in the hilly counties of England; and the only fifh, not common in the Engliih rivers, are the fterling and the fewin, which principally abound in the Ebwy. The mountainous diftricts are rich in mineral productions, particularly iron and coal, which have given rife to numerous iron manufactories, and confiderably increafed the population and riches of the county.

At the arrival of the Romans in Britain, Monmouthfhire was inhabited by the Silures, a fpirited and warlike nation, who defperately refifted their invaders, and were not finally reduced till the reign of Vefpafian, when they were conquered by Julius Frontinus. The Romans formed five ftations in the county; Ifca, the prefent fite of Caerleon; Venta Silurum, (which was the metropolis of the Silures) now Caerwent; Burrium, now Ufk; Gobannium, now Abergavenny; and Bleftium, now Monmouth.

From the departure of the Romans in 408, the hiftory of this county is obfcure and fabulous. But according to the tradition of the natives, and the legends of the bards, Monmouthfhire, under the name of Gwent, became a confpicuous fcene, and Caerleon is celebrated as the refidence of the Britifh hero, king Arthur. It was afterwards fubject to the princes of South Wales, and to a race of petty kings, who probably fixed their refidence at Caerleon.

This county is no lefs diftinguifhed by fublime and ftupendous beauties of nature, than by venerable and intereffing remains of antiquity, and fome beautiful fpecimens of modern tafte. The principal fcenes in which nature captivates the mind are the mountains, of which the higheft is the Sugarloaf; the Werndee hills, by which it is fupported; the great Skyrrid and the little Skyrrid; and thofe to the north-weft of Abergavenny, and that called the Graig in the north-eaft part of the county. The remains of antiquity, befides the Roman roads, ftations, and encampments, are very numerous, and by the individuals they bring to mind, connected with every period of Engliih hiftory. Many of the churches are beautiful relics of ancient fplendour converted to modern ufe, and inferior in intereft only to the remains of the magnificent piles of the abbeys of Lanthony, and Tintern. The caftles are magnificent even in decay. That of St. Julian is rendered

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illuſtrious by the memory of the brave and ingenious, but romantic and whimſical, lord Herbert of Cherbury; Raglan caſtle preſents to memory the numerous virtues of the Pembroke family; Oldcaſtle obliges us to recollect the illuſtrious martyr lord Cobham; Coldbrook houſe, the witty and eccentric ſir Charles Hanbury Williams; in the caſtle of Chepſtow, or Striguil, is a tower in which was immured Harry Marten the regicide; and while admiring the profuſion of beauty and elegance, which embelliſhes the building and grounds at Piercefield, the mind receives an impreſſion approaching to melancholy, from the contemplation of the hard fate of their late liberal and amiable proprietor Valentine Morris, ſo feelingly deſcribed by Mr. Coxe, in his hiſtorical tour in this county.

Monmouthſhire is repreſented in parliament by 3 members, 2 for the ſhire, and 1 for the town of Monmouth.

This town ſtands near the conflux of the Wy, and Monnow, and from that ſituation derives its name. The poſition is delightful; it is wholly ſurrounded by gentle hills and ſwelling eminences, moſtly covered from their baſes to their ſummits with rich woods, or laid out in fields of corn and paſture. It is governed by a mayor, 2 bailiffs, and 15 common-council men. There are no manufactures, excepting iron works; the inhabitants are principally ſupported by the navigation of the Wy, the trade with Hereford and Briſtol, the ſupply of the neighbouring diſtricts with various kinds of ſhop goods, and the influx of company. Among the articles brought down the river, which give employment to many of the inhabitants, bark muſt not be omitted; it is conveyed in large quantities from the foreſts of the Upper Wy, and landed on the banks, where, after being pared and cleanſed, it is ſent for exportation to Chepſtow. Caps once formed a conſiderable branch of trade in Monmouth. In the days of Henry V., and in ſubſequent times, Monmouth caps were much eſteemed. Fluellen, in Shakſpeare's Henry the fifth, alluding to this faſhion, addreſſes the king: "If your majeſ-"ties is remember'd of it, the Welſhmen did goot ſervice in "a garden where leeks did grow, wearing leeks in their Mon-"mouth caps." It is worthy of notice that this town gave birth to Geoffry the hiſtorian, and Henry V. the Engliſh king, who are commonly denominated Geoffry and Henry of Monmouth. The firſt, although his work is disfigured by romance, is the moſt ancient of Engliſh hiſtorians, and the parent of much of that heroiſm which is derived from the peruſal of heroic national fables: the king, in the extravagances of his youth, the prudence of his more mature age, in

his uncontrollable valour, and brilliant fortune, affords one of thoſe rare inſtances, in which the taſk of the hiſtorian reſembles that of the poet or romance writer; in which fancy may expatiate without prejudice to truth. The houſes in Monmouth are 677, the people 3,345.

The other towns of Monmouthſhire are Uſk, and Newport, (the inhabitants of which join with thoſe of Monmouth in the election of a member of parliament,) Abergavenny, Caerleon, Chepſtow, and Ponty pool.

Uſk, in its modern ſtate, is little entitled to notice; it is ſituated on the river Uſk, over which it has a handſome bridge. Newport, placed on the ſame river, was anciently called in Welch Caſtell Newydd, or New Caſtle; it is the capital of the hundred of Wentloog; its name is probably a mark of diſtinction from Caerleon, which, in early times, was the old port and the old caſtle. It is a long, narrow, and ſtraggling town, built partly in a flat on the banks of the Uſk, and partly on a declivity. The ſtreets are dirty and ill paved; the houſes in general wear a gloomy appearance. It is governed by a mayor, and 12 aldermen, who are choſen from the burgeſſes, by the mayor and the majority of the aldermen: the election of the mayor is confirmed by the lord of the manor. As Newport is the only port in the ſouth-weſtern part of Monmouthſhire, the inhabitants are principally ſupported by foreign, coaſting, and inland trade. The coaſting trade is very conſiderable, and is chiefly carried on with Briſtol, in ſloops from 12 to 60 tons each. The exports are principally coal, and pig-iron, together with bar-iron, bloomeries, and caſtings. The imports are ſhop goods, furniture, and a few other articles, ſent up the canal for the conſumption of the interior. The canal of Monmouthſhire alſo conſiderably contributes to the proſperity of this town. It was once ſurrounded with walls, and had a caſtle, which is now in ruins. Notwithſtanding its trade and ſituation, the population is very inconſiderable. It contains only 202 houſes, and 1135 ſouls.

Abergavenny, which is generally allowed, by the beſt antiquaries, to be the Gobannium of Antonine, occupies a gentle ſlope, from the foot of the Derry to the left bank of the Uſk. The town is long and ſtraggling, and the ſtreets are in general narrow, although within a few years it has been much improved in appearance. It was once a corporate town, and a place of great population, trade, and importance. Its decline may be dated from the forfeiture of the charter, in the beginning of the reign of William III., on account of diſaffection to the new government, which occaſioned violent diſſenſions, tumults, and diſorders at the election of a bailiff. It

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has a free grammar ſchool, which was founded by Henry VIII. and well endowed. Numerous invalids repair every ſummer to Abergavenny, for the mildneſs and ſalubrity of the air, and travellers to enjoy the charming proſpect of the ſurrounding ſcenery. It contains 546 houſes and 2573 inhabitants.

Caerleon, the ancient Iſca Silurum, is principally remarkable for its numerous veſtiges of days of yore. Tradition mentions it as king Arthur's ſeat of government, and the remains of a Roman amphitheatre are by the common people ſtyled Arthur's round table. The town is much benefited by tin works eſtabliſhed in the neighbourhood, and has a curious wooden bridge over the Uſk.

The ſituation of Chepſtow is remarkably beautiful and picturesque; the caſtle and church are among the venerable remains of antiquity, and the bridge over the Wy a curious ſpecimen of building. It has 348 houſes, and 2080 people.

Pont-y-pool is a large ſtraggling place, containing 250 houſes, and 1500 ſouls. Several neat habitations, and numerous ſhops, preſent an appearance of thriving proſperity, notwithſtanding the duſky aſpect of the town, occaſioned by the adjacent forges. The inhabitants derive great ſupport from the iron works and collieries, and have been recently benefited by the trade of the canal. This place is the principal mart for the natives of the mountainous diſtrict; its weekly market is conſiderable, and well ſupplied. The appellation is modern, ſuppoſed to be derived from a bridge thrown over a large pool, which ſupplies water for a forge, but is a corruption of Pont ap Howell, or Howell's bridge. It is ſingularly placed on the ridge of a ſteep cliff, overhanging the Avon Lwyd, and on the ſlope of a declivity under impending hills, partly bare and partly mantled with wood. The town principally owes its foundation and increaſe to the iron works eſtabliſhed by the family of Hanbury; it is likewiſe remarkable for the japan manufacture, known by the name of Ponty-y-pool ware.

The Welch language is more prevalent in Monmouthſhire than is uſually ſuppoſed: in the north-eaſtern, eaſtern, and ſouth-eaſtern parts, the Engliſh tongue is in common uſe; but in the ſouth-weſtern, weſtern, and north-weſtern diſtricts, the Welch, excepting in the towns, is generally ſpoken. The natives of the midland parts are accuſtomed to both languages: in ſeveral places divine ſervice is performed wholly in Welch, in others in Engliſh, and in ſome alternately in both. The natives of the weſtern parts, which are ſequeſtered and mountainous, unwillingly hold intercourſe with the Engliſh, retain their ancient prejudices, and ſtill brand them with the name of

Saxons; this antipathy, however, is gradually decreaſing, by means of the eſtabliſhment of Engliſh ſchools, and the introduction of Engliſh manners, cuſtoms, and manufactures.

The principal rivers which traverſe Monmouthſhire are the *Wy*, the *Uſk*, and the *Rumney*. The Wy is navigable during its whole courſe through the county; the Uſk, by means of the tide, from New Ridge near Tredonnoc; and the Rumney only from the bridge, not three miles from its mouth. The *Trothy* and the *Monnow*, joined by the *Honddy* at Altyrynnys, fall into the Wy near Monmouth; and the Uſk is ſwelled by numerous mountain torrents, of which the principal are the *Gavenny*, the *Kebby*, the *Olwy*, the *Berthin*, the *Torvaen*, or *Avon Lwyd*, and the *Ebwy* which receives the *Sorway*.

MONTGOMERYSHIRE,

A COUNTY of North Wales, is 30 miles from eaſt to weſt, 24 from north to ſouth, and 95 in circumference, and contains 982 ſquare miles, or 628,480 acres. It is divided into 9 hundreds called Caurſe, Deuddwr, Llanfyllin, Llanidloes, Machynlleth, Mathrafel, Montgomery, Newtown, and Pool, which form 43 pariſhes, 28 townſhips, 3 villages, and 3 towns, and contain 8948 houſes, and 47,978 inhabitants.

The air is ſharp and cold on the mountains, but healthy and pleaſant in the vallies. The northern and weſtern parts being mountainous, the ſoil is ſtony, and ſterile, except in the intermediate vallies, which yield corn, and abound in paſture; but the ſouthern and eaſtern parts, conſiſting chiefly of a pleaſant vale along the banks of the Severn, are exceedingly fruitful. The breed of black cattle and horſes is remarkably large, and the county abounds with fiſh and fowl, and has ſome mines of lead and copper, particularly in the neighbourhood of Llanidloes.

It returns to parliament 2 members, one for the ſhire, and 1 for the town of Montgomery. This town gives its name to the county, but is only remarkable for its caſtle, the ſcene of many martial exploits in old times, but now in ruins. The corporation conſiſts of 2 bailiffs, and 12 burgeſſes or common-council men. It contains only 161 houſes, and 972 people.

The other towns are Machynleth, Welchpool, the moſt conſiderable in the county, which has a manufacture of flannel, and contains 563 houſes, and 2,872 inhabitants, Newton, Llanidloes, near which are mines of lead, and copper, and Llanvillin. The chief rivers are the *Severn*, *Tanat*, and *Tuigh*.

NORFOLK,

OTHERWISE Northfolk, derives its name from its northern ſituation in reſpect of Suffolk: it was intended to expreſs the northern people, or northern branch of the Eaſt Angles. It is 59 miles in length from eaſt to weſt, and 38 in its greateſt breadth from north to ſouth, in the centre of the county, but conſiderably leſs at each extremity, and its area is 2013 miles, or 1,288,310 acres. Its hundreds are 33, namely, Blofield, Brothers Croſs, Clackloſe, Clavering, Depwade, Diſs, Earſham, Erpingham, North and South Eynesford, Flegg, Eaſt and Weſt Forehoe, Freebridge, Lynn and Marſhland, Gallow, Greenhoe, North and South Grinſhoe, Guiltcroſs, Happing, Henſtead, Holt, Humbleyard, Launditch, Loddon, Aitford, Shropham, Smithdon, Taverſham, Tunſtead, Walſham, and Wayland; theſe are divided into 586 pariſhes, 21 townſhips, 6 towns, and 5 villages, and contain 49,140 houſes, and 273,271 inhabitants.

The air of this county near the ſea coaſt is aguiſh, and otherwiſe unſalutary; but in the inland parts, it is healthy and pleaſant, though frequently piercing. The face of the country is flat, without hills, but in moſt parts, the ſurface is broken by ſmall riſings and declivities.

The prime part of the county lies north and north-eaſt of Norwich. It is highly fruitful, and temperate. The diſtricts ſouth and ſouth-eaſt of Norwich, though chiefly ſand, are fruitful, but in a leſs degree than the former. The largeſt proportion of the county, lying weſt and north-weſt of Norwich, is on the whole very inferior to the two preceding diſtricts. Here great farms are to be found, with a thin population. South-weſt is light ſand, where great rabbit warrens are found. The Marſhland may be conſidered as a diſtrict by itſelf. The ſoil is a rich ooze, evidently a depoſit from the ſea. The north part of the county is highly productive, but the ſouth part very much injured for want of better drainings. Woodland of an old ſtanding is not conſiderable, but of late years large plantations have been made of oak, Spaniſh cheſnut, and other foreſt trees.

Norfolk is very productive in all kinds of grain, cattle, wool, rabbits, honey, and ſaffron. No county is more conveniently ſituated, or has a greater ſhare of river and ſea navigation, ſo eſſential to trade, and advantageous to agriculture: for, beſides the ſea, which waſhes the coaſt about eighty miles, there are ſeveral navigable rivers, as the *Nene*, *Waveny*, and *Ouſe*, beſides the *Thyrne*, the *Bure*, the *Wenſum*, and the *Yare*. Theſe reſources afford to Norfolk the advantages of an excellent

fiſhery, proſecuted with great induſtry and ſucceſs to the adjacent coaſt and north ſea. The freſh water affords all the accuſtomed tribes, and in the Yare is taken a fiſh peculiar to itſelf, called the ruffe. Jet and ambergreaſe are ſometimes found on the coaſts.

Norfolk ſends to parliament 12 members; 2 for the county, 2 for the city of Norwich, and 2 each for Lynn, Yarmouth, Thetford, and Caſtle Riſing.

The city of Norwich, ſituated at the conflux of the Wenſum and the Yare, is ancient, populous, and induſtrious; it has a great trade, and adds not a little to that of Yarmouth, by the vaſt cargoes of coal, wine, fiſh, oil, and all other heavy goods, which it receives thence by the Yare. Its manufactures are, generally ſpeaking, ſent to London, though conſiderable quantities are alſo exported to Holland, Germany, Sweden, Norway, and other parts of the Baltic and northern ſeas, and the Mediterranean. They conſiſt in a great variety of worſted ſtuffs, as ſays, bays, ſerges, ſhalloons, druggets, crapes, and other curious manufactures, and ſtockings. Norwich contains many opulent inhabitants, and good buildings, but its ſtreets are narrow, and ill diſpoſed. Beſides the cathedral it has 36 churches, and 1 in the ſuburbs.

The cathedral was built in 1096 by Herbert de Loſinga, whoſe ſtatue is over the north tranſept door, and his tomb below the high altar; it was damaged by fire 1171, and repaired and completed 1180, by John, biſhop of Oxford. It is now a noble ſtructure, and particularly admired for the workmanſhip of the roof and cloiſters. At Norwich is the ancient palace of the duke of Norfolk, which was formerly a noble and magnificent building, reputed the largeſt houſe in England. The caſtle is ſeated on a high hill, and ſurrounded by a deep ditch, over which is a ſtrong bridge, with an arch of extraordinary ſize. In the market place, is a beautiful town houſe, and in St. Andrew's pariſh a guildhall, which was formerly the monaſtery church of the black friars. The houſe of correction, called bridewell, is built with ſquare flint ſtones, ſo curiouſly joined together that no mortar can be ſeen. The market croſs is built with free ſtone, and very lofty; it is a beautiful and commodious piazza. The king's ſchool was anciently a chapel, ſubject to the prior and convent of the cathedral church; but after the reformation, it was turned into a grammar ſchool, and endowed with the poſſeſſions of the chapel, for the maintenance of a ſchool maſter and uſher, ſince which time the ſalary has been enlarged. The ſcholars are nominated by the mayor for the time being, with the majority of the aldermen. Some authors call Norwich an orchard in a city, or a city in an orchard, on account

of

of the variety of gardens and trees in a particular part near the walls. In the city are 12 charity ſchools, and 4 hoſpitals. Norwich is a county in itſelf, but the caſtle belongs to the county of Norfolk, to which it ſerves as a jail. The corporation conſiſts of a mayor, a recorder, 2 ſheriffs, 23 aldermen, and 60 common-council men. The mayor is nominated by the freemen, who return 2 aldermen to their court, one of whom is elected. The mayor, recorder, and the ſteward for the time being, are juſtices of the peace, and of the quorum, in the city and its liberties; the mayor, after his mayoralty expires, is juſtice of the peace for life. One of the ſheriffs is annually elected by the aldermen, and the other by the freemen. The city contains 8763 houſes, and 36,854 people.

Lynn, otherwiſe Lynn-Regis, or King's Lynn, is thus named, by way of diſtinction from three villages in the county, called Weſt Lynn, North Lynn, and Old Lynn. It was formerly called Biſhop's Lynn, from its belonging to the biſhops of Norwich; but coming by exchange into the hands of Henry VIII., it obtained its preſent appellation. It is ſituated about ten miles from the German Sea, on the eaſtern bank of the river Ouſe, which forms a good harbour, and is divided by four ſmall rivers, over which there are fifteen bridges, and at the north end of the town is a platform of twelve cannon, called St. Ann's Fort. The harbour is capable of containing 300 merchant ſhips, but ſometimes a ſtrong wind will drive them from their moorings. The trade is very extenſive, and conſiſts in heavy goods, wine, coals, iron, deals, and timber. Lynn has had fifteen royal charters. It is now governed by a mayor, a high ſteward, an under ſteward, a recorder, 12 aldermen, 18 common-council men, with other inferior officers. Its houſes are 2012, the inhabitants 10,096.

Great Yarmouth (ſo called to diſtinguiſh it from a ſmall village in its neighbourhood) is ſtill more conſiderable in extent and population, containing 3159 dwellings, and 14,845 people. It is ſituated on the German Ocean, at the mouth of the Yare, which is navigable from hence to Norwich; beſides which there is a navigation from this town by the Waveny, to the ſouth parts of Norfolk, and the north of Suffolk, while the inhabitants trade to the north part of the county, by the river Thyrne. This port is the chief rendezvous of the colliers between Newcaſtle and London; for, though there are ſome dangerous banks of ſand in the neighbourhood, the roads on the eaſt ſide of the town are ſafe, and the inhabitants are at great expence to keep the harbour clean. Yarmouth carries on a great trade to France, Holland, the north and eaſt ſeas, and exports immenſe quantities of corn and malt. The inhabitants

habitants employ 150 veſſels in the herring fiſhery, and between 40 and 50 ſail in the exportation: 50,000 barrels of herrings, which ſome magnify to 40,000 laſts, containing 40,000,000 of herrings, are generally taken and cured here in a year. Theſe herrings are chiefly exported by the merchants of Yarmouth, and the reſt by thoſe of London, to Spain, Portugal, and Italy, which with the crapes, camlets, and other Norwich ſtuffs, occaſion much buſineſs, and employ a great number of hands and ſhipping. Yarmouth is governed by a mayor, 17 aldermen, a recorder, and 36 common-council men. This corporation poſſeſſes particular and extenſive privileges, having both a court of record, and an admiralty: in the court of record, civil cauſes are tried for unlimited ſums; and in the court of admiralty, they can, in ſome caſes, try, condemn, and execute criminals.

Caſtle Riſing is in no reſpect conſiderable; Thetford has 492 houſes, and 2246 inhabitants, and is governed by a mayor, recorder, 10 aldermen, and 20 common-council men. It was formerly a place of note, but has now no great trade or opulence. The other towns in Norfolk are Aleſham, Attleborough, Buckenham, Burnham, Carton, Clay which has a harbour and large ſalt works, Cromer an excellent fiſhery for lobſters, Dereham, Diſs, Downham, Fakenham, Foulſham, Harleſton, Harling, Hingham, Holt, Loddon, Methwold, Reepham, Secking, Snetſham, Swaffham, North Walſham, South Walſham, Walſingham, Watton, and Wells, which has a conſiderable trade with Holland, Wimondham or Windham, where the inhabitants, both old and young, are generally employed in making ſpiggots and faucets, ſpindles, ſpoons, and other wooden ware, and Worſted, remarkable for the invention and twiſting of that ſort of woollen yarn and thread to which the name of the place has been given.

NORTHAMPTONSHIRE

Is about 60 miles in length, from north-eaſt to ſouth-weſt, from 14 to 24 in breath, and 120 in circumference, forming an area of 965 miles, or 617,600 acres. It is divided into 19 hundreds, namely Chippingwarden, Cicly, Corby, Fawſley, Greens Norton, Gulſborough, Hamſordſhoe, Higham Ferrers, Huxloe, King's Sutton, Navisford, Nobottle Grove, Orlingbury, Polebrook, Rowell, Spelloe, Towceſter, Willybrook, and Wymerley, which include 288 pariſhes, 14 villages, 13 townſhips, 12 hamlets, and 4 extra-parochial juriſdictions, and contain 27,401 houſes, and 131,757 ſouls.

The air being pure and healthy, the nobility and gentry have

many ſeats in this county. There is, however, a ſmall tract called Fenland, about Peterborough, which is often overflowed by great falls of water from the uplands. The ſoil is fruitful both in corn and graſs, but produces little wood; and as it is an inland county, and few of its rivers are navigable, the inhabitants find difficulty in ſupplying themſelves with fuel. The rivers yield great plenty of fiſh, and the county abounds with cattle, horſes, and ſheep: it produces alſo much ſaltpetre, and many pigeons. The land is level, and leſs of it lies waſte than in any other county in England. Its manufactures are ſerges, tammies, ſhalloons, ſtockings, boots, and ſhoes.

Its chief rivers are the *Nen*, the *Cherwell*, the *Learn*, the *Avon*, the *Welland*, and the *Ouſe*.

Nine members are returned to parliament; 2 for the county, 2 for the city of Peterborough, as many for Northampton, and Brackley, and 1 for Higham Ferrers.

Peterborough is ſituated on the Nen, and although an ancient city, is eſteemed the ſmalleſt in England, having only one church, beſides the cathedral. The houſes, however, are well built, and the ſtreets regular, with a handſome market place, in which is a good market-houſe, where the aſſizes and ſeſſions for the hundred are held. The juriſdiction of the court of ſeſſion extends over 32 towns and hamlets, in which the civil magiſtrates, appointed by the royal commiſſion, are veſted with the ſame power as the judges of aſſize, and hold their quarterly ſeſſions in the city. The cathedral is the remains of a monaſtery endowed in the ſeventh century, afterwards the ſeat of a mitred abbot, and eſtabliſhed as a biſhoprick at the reformation. The inhabitants of the city are only 3,449, their dwellings 734, but in its extenſive liberties are contained the additional number of 1252 houſes, and 6826 people.

The town of Northampton is alſo ſituated on the Nen, and alſo the ſeat of ſeveral ancient monaſteries. In former times it was walled, and had gates correſponding to the cardinal points of the compaſs. At one period it contained 7 churches within the walls, and 2 without, at preſent it has only 4. In the year 1263, ſome ſcholars from Cambridge, on a difference with the townſmen, retired hither, and obtained licence of the king to ſettle an univerſity, which was ſoon annulled, on account of its vicinity to Oxford. From Oxford, too, a ſeceſſion to Northampton had happened juſt before, on a riot againſt the pope's legate, who laid them under interdict; this, with other diſturbances which aroſe, being aſcribed to the great number of ſtudents, the king granted leave to found ſchools here, and ſo many ſcholars ſoon reſorted from Oxford, that after the taking of the town, by the king's forces, it was found neceſ-

ſary

fary to oblige them to go back, and forbid their return. The ſtreets are in general ſtraight, the houſes handſomely built, of a reddiſh kind of ſtone, and the market place is eſteemed the moſt ſpacious, elegant, and complete in the kingdom. The principal manufactures are ſhoes, (of which great numbers are ſent beyond ſea,) ſtockings, and lace. It was incorporated under a charter of king James I., conſiſts of a mayor, 2 bailiffs, a recorder, and 48 common-council men, out of whom the mayor is choſen, who is ever after reputed an alderman. The houſes are 1371, the inhabitants 7,020.

Brackley is ſituated on the Ouſe, and governed by a mayor, 6 aldermen, and 26 burgeſſes; Higham Ferrers, on the eaſt ſide of the Nen, has a mayor, 7 aldermen, and 13 capital burgeſſes: in other reſpects, they are little worthy of notice. The remaining towns are Daventry, Cliffe, Kettering, which has a manufacture of ſerges, ſhalloons, and tammies, and in the neighbourhood of which is a petrifying well, Oundle, Rockingham, Rothwell, Thrapſton, Towceſter, where lace and ſilk are manufactured, Weedon, and Willingborough, where the manufactures of lace is carried on to a great extent.

Northumberland

Is of a triangular form; its greateſt length 64 miles, and greateſt breadth 48, about 232 miles in circumference, and its contents are eſtimated at 1809 miles, or 1,157,760 acres. It is divided into 6 wards, called Balmbrough, Caſtle, Coquetdale, Glendale, Morpeth, and Tindale, which form 495 townſhips, 17 pariſhes, 4 extra-parochial juriſdictions, 3 chapelries, and 1 town, and contains 28,052 houſes, and 157,101 inhabitants.

The temperature of the climate is various: upon the mountains, ſnow will often continue for ſeveral months, and may frequently be ſeen of conſiderable depth, when there is none in the lower diſtricts. The weather is very inconſtant, but moſtly in extremes. In the ſpring months cold, piercing eaſterly winds, are prevalent: and the largeſt droughts are always accompanied by them. In ſome places they have acquired the name of ſea pines, from the ſlow progreſs vegetation makes, whenever they continue for a few weeks. The mild weſtern and ſouthern breezes rarely take place before June: they are certain harbingers of rain and vigorous vegetation; and are the moſt prevailing winds through the ſummer and autumn. In the latter ſeaſon, they often blow with tempeſtuous fury; daſhing out the corn, and diſappointing the hopes of the farmer.

The ſoil is various: on the rivers and ſea coaſt remarkably fertile; to the north-weſt and ſouth-weſt, very mountainous; to the weſt full of heaths, fens, and lakes, ſome of the former abounding with mines of ore and coal, and others cultivated, and the mountains feed large quantities of ſheep. There are but few conſiderable woods, but the county abounds in coal, which forms its greateſt wealth, and ſupplies London and many other places with that indiſpenſable article.

The principal rivers are the *Tyne*, the *Tweed*, the *Blythe*, the *Coquet*, the *Alne*, the *Till*, and the *Wanſbeck*; they abound with fiſh, eſpecially ſalmon and trout; the coaſts are rich in cod, ling, turbot, ſoles, plaice, whitings, &c. Large quantities of ſalmon are dried and exported.

Two members ſit in parliament for the county, and as many for Newcaſtle, Morpeth, and Berwick-on-Tweed; in all 8. The remaining towns are Alnwick, Belford, Billingham, Blythe, Haltweſel, Hexham, Rothbury, Shields, Tinmouth, and Wooler.

Newcaſtle, generally called Newcaſtle-upon-Tyne, to diſtinguiſh it from Newcaſtle under Line in Staffordſhire, is a ſea-port, ſituated on the north ſide of the river Tyne, with an excellent harbour, to which ſhips of 400 tons may come up with ſafety; larger veſſels generally ſtop at Shields, ſituated about eight miles below. The trade is very great: the exports principally coals, wrought iron, lead, glaſs, ſalt, bacon, corn, ſalmon, butter, tallow, and grindſtones. It was made a county of itſelf by Henry VIII. and is governed by a mayor, recorder, 12 aldermen and a ſheriff. It has 3296 houſes 28,366 inhabitants.

Berwick is ſituated on the north or Scotch ſide of the Tweed, and regularly fortified with walls, baſtions, and ditches. The river is broad, with a bridge over it of ſixteen arches. The town is of much leſs extent than formerly; the old caſtle, now gone to decay, lies at ſome diſtance from the ramparts. The barracks are large, and capable of containing two regiments of foot with convenience. Berwick formerly belonged to Scotland, was the chief town of the county in that kingdom, ſtill called Berwickſhire, and was one of the four towns in which the convention of the royal boroughs of Scotland was held. It was taken from the Scots by Edward I., and has been ever ſince in the poſſeſſion of the Engliſh. The language and laws of its inhabitants are, however, a mixture of Scotch and Engliſh. The exports are wool, and eggs; the chief import is timber from Norway and the Baltic. The ſalmon fiſheries are extenſive and highly valuable. Berwick contains 965 dwellings, and 7187 ſouls.

As

As great part of the Picts wall paſſed through this county, it abounds in Roman antiquities.

NOTTINGHAMSHIRE

Is 50 miles in length, 25 in breadth, 110 in circumference, and its area 774 miles, or 495,360 acres. It has 8 hundreds; Baſſet Law Hatfield diviſion, Baſſet Law North Clay diviſion, Baſſet Law South Clay diviſion, Bingham, Broxton, Newark, Ruſhcliffe, and Thurgarton; they form 209 pariſhes, 27 townſhips, 9 towns, 6 hamlets, 3 villages, and 3 extra-parochial demeſnes; the houſes are 26,153, the inhabitants 140,350.

Being happily ſituated between the mountainous country of Derbyſhire, on the one hand, and the flats of Lincolnſhire, on the other, this county enjoys ſuch a temperature of ſoil and climate, as to render it one of the moſt fertile and agreeable in England. The noble river Trent, after croſſing the counties of Stafford and Derby, enters Nottinghamſhire, at its ſouth-weſtern extremity; and thence, paſſing obliquely to the eaſt, coaſts along its whole eaſtern ſide, becoming, towards the northern part, the boundary between this county and that of Lincoln. During this whole courſe, the Trent is a large navigable river, imparting fertility to the wide tract of meadows through which it flows, and affording a ready conveyance for the products of the country. Its chief inconvenience is that of being ſubject to frequent and great floods. The vale of Belvoir or Bever, one of the richeſt and moſt beautiful tracts of cultivation in the kingdom, lies chiefly in the ſouth-eaſtern part of Nottinghamſhire, ſtretching towards the Trent. Almoſt all the middle and weſtern part of the county was formerly occupied by the famous foreſt of Sherwood, or Shirewood, popularly known as the ſcene of many fabulous adventures of that noted outlaw Robin Hood, and his companions. By inclofures and cultivation, the bounds of this woody tract are now much contracted; and great part of what was formerly thronged with trees, is now a naked heath; a fate common to many of the Engliſh foreſts. New plantations, however, of great extent have of late years been formed on the hills of the foreſt land, which may afford materials for future navies. From the middle and north-weſtern parts of this county ſeveral ſtreams unite to form the Idle, a river which joins the Trent, at the north-eaſtern angle of Nottinghamſhire. To the eaſtward of this river, the ſoil, quite to the Trent, is a ſtrong clay, which is expreſſed in the names of two diſtricts in this quarter, the North and South Clay Diviſions. Nottingham-

ſhire

ſhire was, in ancient times, famous for its bread and beer; and to this day, its chief products and exports are corn and malt. It is alſo of no ſmall conſequence as a manufacturing county; and its fabrics, particularly ſhoes, hoſe, glaſs, and earthen ware, are at preſent in a moſt thriving ſtate. Near Mansfield is found a good free-ſtone, proper for building or paving. Lime-ſtone is obtained near Newark, and ſeveral other places; and gypſum, or plaſter, is dug near Newark and Red Hill, a few miles to the ſouth-weſt of Nottingham, and ſent, in great quantities, to London. Other commodities are cattle, corn, malt, wool, coal, wood, liquorice, cheeſe, butter, leather, and tallow.

Nottinghamſhire ſends to parliament eight members; two for the county, two for the town of Nottingham, and as many for Eaſt Retford and Newark.

The town of Nottingham, which gives its name to the county, is ſituated on an eminence, by the ſide of the river Trent. It is, undoubtedly, one of the moſt ancient towns in Great-Britain. John Rouſe, a monk, of Warwick, who wrote in the reign of king Henry VII. places its foundation nine hundred and eighty years before the birth of Chriſt, but this ſeems a moſt improbable exaggeration. It is, however, undiſputed, that this was a reſidence of the Britons before the arrival of the Romans. Nor does it appear to have been a Roman ſtation, being ſituated at a diſtance from any of their roads, and no Roman antiquities having been found. The whole town is, in a manner, undermined with caverns, of an amazing depth and extent; ſo that it is even queſtioned, whether all the buildings on the ſurface of the rock would fill up the vacancies underneath. Hence the cellars, cut in the rocks, are frequently as deep as the higher houſes; and in digging for foundations of new houſes, there have been diſcovered ſpacious vaults, before unknown. Some of theſe are ſaid to have been arched, in a regular manner, to have been ſupported by columns, and to have had a communication with each other, by paſſages leading to very diſtant parts. Theſe are ſuppoſed to have been formed during the Heptarchy, when the Daniſh pagans made frequent inroads into this part of the kingdom, and intended as places of refuge for the exerciſe of religious worſhip. From the time of Alfred, hiſtory makes frequent mention of this town, as the ſcene of many ſtriking events.

Nottingham is large, populous, and handſome, and is one of the principal ſeats of the ſtocking manufacture, chiefly of the finer kinds, as ſilk and cotton; and the trade is extended to the neighbourhood, and to ſome diſtant towns. The ſtockings are chiefly conveyed to the different ports and places of conſumption by land. A great quantity of them is exported to various

parts

parts of Europe, America, and the Weſt Indies. The cotton for this manufacture is ſpun by machinery, worked by water. Nottingham has alſo a manufacture of coarſe earthen ware. There were formerly conſiderable eſtabliſhments of dyers and tanners, but they are decayed. This town was incorporated long before king Henry II. gave it a charter; for in Edward the Confeſſor's time, it had a hundred and ſeventy-three burgeſſes. Many kings have, in this town, kept their court, and aſſembled parliaments. It was anciently governed by two bailiffs, coroners, and a common-council. Henry VI. made it a county of itſelf, changed the bailiffs into ſheriffs, and appointed it to be governed by a mayor and burgeſſes. The town is divided into ſeven wards, anſwering the number of aldermen, each of theſe having one committed to his care, though he is not confined to live in it; and, as a juſtice of peace, his power extends throughout all the liberties of the town. Its corporation conſiſts of a mayor, 6 aldermen, a recorder, 2 ſheriffs, and 24 common-council men; but, in conſequence of the tumults which prevailed at the time of the general election, in the year 1802, a ſtatute paſſed in the enſuing ſeſſion of parliament, empowering the county magiſtrates to act in the town. It contains 5077 dwellings, and 28,861 people.

Newark is ſituated about 14 miles north-eaſt of Nottingham, on the Trent, by which it is completely inſulated. It is a handſome, flouriſhing, well-built town, with a market-place ſo ſpacious, that lord Bellaſyſe drew up ten thouſand men in it, when he defended the town for king Charles I. againſt the Scotch army: the chief trade is in malt. The pariſh church is eſteemed one of the fineſt Gothic ſtructures in England, all its windows being beautifully painted. Here are alſo ſeveral meeting-houſes, a free-ſchool, founded by Thomas Magnus, and a charity-ſchool for thirty-ſix boys, ſupported by voluntary contributions. The corporation conſiſts of a mayor, twelve aldermen, and as many aſſiſtants. There are 139 houſes, and 6,730 ſouls.

The remaining towns are Bingham, Blythe, Mansfield, Southwell, Tuxford, and Workſop.

Oxfordshire

Is in ſhape very irregular: from north-weſt to ſouth-eaſt it meaſures above fifty miles in length; but in breadth it varies much, being in the centre, near Oxford, barely ſeven, towards the ſouth about twelve, and towards the north nearly forty miles: its circumference is 130 miles, and the contents of its area are 742 miles, or 474,880 acres. Its hundreds are 14; namely,

namely, Banipton, Banbury, Binfield, Bloxam, Bullington, Chadlington, Dorcheſter, Ewelme, Langtree, Lewknor, Pirton, Ploughley, Thame, and Wooton: theſe contain 224 pariſhes, 39 townſhips, 23 hamlets, 7 towns, 2 liberties, 1 extra-parochial demeſne, and the univerſity of Oxford, which is alſo extra-parochial. The houſes are 21,149, the inhabitants 109,620.

The ſoil of Oxfordſhire is of great variety, but the greater portion fertile and productive. The ſouth-weſt corner contains the foreſt of Whichwood; in the part contiguous to and ſouth of Oxford, is compriſed a conſiderable tract of woodland, and much land in the Chiltern Hills is appropriated to the growth of beech. There are no ſteep or high hills, except thoſe of Chiltern. The climate of Oxford may be accounted in general cold, particularly the weſtward part of the north diviſion, where the fences conſiſt chiefly of ſtone walls, and conſequently afford little ſhelter. The climate of the Chiltern country is very cold and moiſt, on account of the fogs, which are more frequent on the hills and woods than in the vales. The productions of Oxfordſhire are chiefly thoſe common to the midland farming counties. Its hills yield ochre, pipe-clay, and other earths, uſeful for various purpoſes. Corn and malt are tranſmitted from it, by means of the Thames, to the metropolis. Good cheeſe is made in the grazing parts. The greateſt want in this county is that of fuel; for moſt of the woods, with which it once abounded, being cut down, or greatly diminiſhed, it was neceſſary to ſupply the deficiency of fire-wood with ſea coal, brought by a long and troubleſome navigation from London.

Oxfordſhire has the following rivers: the *Thames*, which divides it from Berkſhire, the *Windruſh*, the *Wenlode*, the *Iſis*, the *Cherwell*, and the *Thame*; this river and the Iſis, at their confluence, loſe their ſeparate appellations, and aſſume jointly the name of Thames.

The Britiſh ſenate receives from Oxfordſhire nine members; two for the county, two for the city, and two for the univerſity of Oxford; two for Woodſtock, and one for Banbury.

The city of Oxford is moſt delightfully ſituated on the Thames, and was anciently ſurrounded with walls, of which conſiderable remnants are yet to be ſeen. Oxford was the reſidence of Alfred and his three ſons, and the ſcene of many remarkable tranſactions, in various periods of hiſtory. It is, at preſent, very flouriſhing and populous, containing 1909 houſes, and 11,649 inhabitants; but its proſperity and celebrity are chiefly derived from the univerſity, the deſcription of which belongs to another part of this work. The corporation of Oxford conſiſts of a mayor, recorder, four aldermen, eight

aſſiſtants, two bailiffs, and 24 common-council men. The mayor, for the time being, officiates at the coronation of our kings, in the buttery, and has a large gilt bowl and cover for his fee. The magiſtracy of the city is ſubject to the chancellor and vice-chancellor of the univerſity, in all affairs of moment, even in thoſe relating to the city: the vice-chancellor annually adminiſters an oath to the magiſtrates and ſheriffs, that they will maintain the privileges of the univerſity; and, on the 10th of February, the mayor, and 62 of the chief citizens, in a ſolemn manner, pay each one a penny at St. Mary's church, in lieu of a great fine, laid on the city, in the reign of Edward III. when ſixty-two of the ſtudents were murdered by the citizens.

Woodſtock was, in ancient times, a place of great celebrity; it was the retreat which the royal Alfred ſelected, when he applied his mind to the tranſlation of Boetius de Conſolatione Philoſophiæ. Ethelred convoked a council, and iſſued laws at Woodſtock, and Henry I. incloſed the park with a ſtone wall; and romantic fiction, exaggerating the truth, has celebrated the fate of Roſamond Clifford, generally called Fair Roſamond, the miſtreſs of Henry II. who is ſaid to have fallen, in a labyrinth in the park, a victim to the jealous rage of the ſlighted queen Eleanor. More authentic hiſtory informs us, that, at this place, Rhys, prince of Wales, did homage to Henry II. for his realm; and that it was the place in which Elizabeth, afterwards the illuſtrious queen of England, was detained a priſoner, during the ſanguinary reign of Mary; but it is among the many glorious pages of our annals recorded, that Britiſh gratitude, expreſſed through the medium of parliament, ſettled the honour and manor of Woodſtock on the great John, duke of Marlborough, in gratitude for his eminent military ſervices, and built for him a palace, called Blenheim, in commemoration of the ſignal victory which he gained on the 2d of Auguſt, 1704, over the troops of France and Bavaria. The houſe is extremely magnificent, and the grounds ſpacious and beautiful. Being held of the crown by the tenure, called knight's ſervice, the proprietor is obliged annually, on the 2d of Auguſt, to preſent to the king, at Windſor, a ſilken banner. The town of Woodſtock contains 214 houſes, and 1322 people: it is diſtinguiſhed by the manufacture of gloves, and of poliſhed ſteel. It has a corporation, conſiſting of a lord high ſteward, recorder, town clerk, five aldermen, one of whom is always mayor, and 17 common-council men.

The other towns in Oxfordſhire are Bampton, celebrated for a great market for leather, Banbury for cheeſe, Biceſter, Burford, noted for ſaddles, Churlbury, Chipping-Norton, Doddington,

dington, Henley-upon-Thames, a handſome town, which has a great trade in malt, Tame, Watlington, and Witney, celebrated for the manufacture of rugs and blankets.

PEMBROKESHIRE

Is the moſt weſtern county of South Wales. Its extent, from north to ſouth, is nearly 35 miles, and from eaſt to weſt 29, comprehending 575 ſquare miles, or 368,000 acres. It is divided into ſeven hundreds; namely, Caſtle-Martin, Dewſland, Dungleddy, Kemeis, Kilgerron, Narberth, and Rooſe, which include 133 pariſhes, 10 villages, 6 hamlets, 3 chapelries, and one liberty, and contain 12,267 houſes, and 56,280 inhabitants.

The air of this county is healthy, the land, for the moſt part, compoſed of ſwells, or eaſy ſlopes, but not mountainous, except a ridge of hills, which runs from the coaſt, near Fiſguard, to the borders of Caermarthenſhire. By theſe hills the people diſtinguiſh the portions of the county, the north ſide being termed above, and the ſouth ſide below the mountains. The county abounds with cattle, ſheep, goats, and wild fowl of various kinds, ſome of which are ſeldom ſeen in any other part of Britain, and among which are the falcons, called peregrins, the puffins, and the Harry birds. Theſe laſt, with ſeveral other ſpecies, among which are the eligug and razor-bill, generally appear twice in the year on the rocks off St. David's Head, called the biſhop and his clerks. They generally arrive about Chriſtmas, and ſtay a week, or more; return in April, about the time of incubation, and leave the rocks before Auguſt. It is remarkable, that they conſtantly come and retire in the night; for in the evening, when they are about to depart, the rocks are covered with them, and in the morning not a bird remains; on the other hand, at the ſeaſon when they return, not a bird appears in the evening, and the next morning the rocks are full of them. Some hatch their eggs on the bare rocks, without any neſt, and ſome in holes, like rabbits. Pembrokeſhire is well ſupplied with fiſh, of all kinds; and among the rocks, on ſome parts of this coaſt, is found that ſort of ſea weed, called laver. Woods are towards the weſtern coaſt, but more plenty in the interior: the growth is, for the moſt part, ſlow; but the oak is remarkably full of heart.

The commerce of this county is ſmall, and cannot be ſaid to have any influence on its agriculture. At a place, called Rhos, Henry I. permitted a colony of Flemings to ſettle, who left their own country in conſequence of the ſea breaking down the dykes. In Camden's time, this colony was called Little England

beyond Wales; and the people becoming offenſive, the Welch united all their forces, and invaded their country ſeveral times, but to no purpoſe, the Flemings always maintaining their ground. Rhos is ſtill inhabited by their deſcendants, who may be diſtinguiſhed by their ſpeech and cuſtoms.

Pembrokeſhire contains the city of St. David, and the ſeven following market towns; Fiſguard, Haverfordweſt, Killgaring, Newport, Pembroke, Tenby, and Wiſton. None of theſe are places of much note: the county, the town of Pembroke, and that of Tenby, ſend each one member to parliament.

On a cliff which hangs over the ſea, about half a mile from the city of St. David's, is a ſtone, ſo large, that it is ſuppoſed to exceed the draught of an hundred oxen: it is called by the Welch, y maen ſigl, or the rocking ſtone, from its having been mounted up about three feet high, upon other ſtones, in ſuch an equilibrium, that a ſlight touch would rock it from one ſide to the other; but the parliament ſoldiers, in the days of Charles I. regarding this ſtone as the object of a ſuperſtitious tradition, deſtroyed its equipoiſe.

Near Stackpoor Boſher, upon the ſea coaſt, not far from Pembroke, is a pool of pit water, called Boſherſton Meer, ſo deep, that it never could be founded; before a ſtorm it is ſaid to bubble, foam, and make a noiſe ſo loud as to be heard at the diſtance of ten miles. It is ſuppoſed to have a ſubterraneous communication with the ſea.

At Killgaring is a ſteep cataract of the river Tivy, called the Salmon Leap. When a ſalmon, in its way up the river from the ſea, arrives at this cataract, it forms itſelf into a curve, by bending its tail to its mouth; and ſometimes, in order to mount with greater velocity, by holding its tail between its teeth; then, diſengaging itſelf ſuddenly, with elaſtic force it ſprings over the precipice.

There are in this county ſeveral rude ſtone monuments: the moſt remarkable is called y Cromlech, near Pentre Evan, in the pariſh of Nevern: it conſiſts of a circle of rough ſtones, pitched on one end, about 150 feet in circumference, in the middle of which is a large rude ſtone, about eighteen feet in length, nine in breadth, and three feet thick, ſupported upon eight ſtone pillars, about eight feet high. A portion of this ſtone, about ten feet long and five broad, is broken off, and lies by the ſide of it, and under it is a neat pavement of flags.

RADNORSHIRE

Is a county of South Wales, 25 miles in length, from eaſt to weſt, 22 in breadth, from north to ſouth, in circumference 90, and

and in its area 455 miles, or 291,200 acres. Its hundreds are ſix; Colwyn, Kefeullys, Knighton, Paincaſtle, Radnor, and Rhaiader; they form 50 pariſhes, 20 townſhips, and 3 towns, and contain 3887 houſes, and 19,050 inhabitants.

This county has proportionally more cultivated land than ſome of the others in Wales, its eaſtern and ſouthern parts being tolerably level, and productive of corn. The other parts are rude and mountainous, and chiefly devoted to the rearing of cattle and ſheep. The north-weſtern angle is an abſolute deſert, almoſt impaſſable. This was the retreat of the Britiſh king, Vortigern, after he had felt the fatal effects conſequent on his imprudent act of calling in the Saxons to his aſſiſtance.

The river *Wye*, which divides it from Brecknockſhire, croſſes the weſt angle of the county, and in its rapid courſe through the rocks, forms ſeveral cataracts, and receives the *Ithon*, *Weverly*, and other ſtreams. It is parted from Shropſhire by the river *Teruid*; but the river, which it has peculiarly to itſelf, is the Ithon, into which run the *Dulas*, the *Clowdock*, and the *Cameran*. It riſes among the hills, in the north ſide of the ſhire, and, forming its courſe ſouthward, falls into the river Wye, a little below Dyſſart, on the Llauhadern: it winds about ſo ſhort, that it runs nearly ſix miles in a mile and an half diſtance from that town. There are, beſides, the *Lug* and the *Terne*; and in all theſe rivers is plenty of ſalmon, and other fiſh.

One member is returned to parliament for the ſhire, and one for the town of Radnor, but the burgeſſes of Rhaiader, Knighton, Knucklas, and Reventiel, ſhare in the right of election. Radnor is a town of conſiderable antiquity, and was formerly fenced with a wall, and a ſtrong caſtle; but both were, in a great meaſure, deſtroyed by Owen Glendower, when he aſſumed the title of Prince of Wales, on the depoſition of Richard II. It has the extraordinary privilege of holding a court of pleas for all actions, without being limited to any particular ſum. Its corporation conſiſts of a bailiff, and 25 burgeſſes. Old Radnor contains only 79 houſes, and 355 inhabitants, but jointly with New Radnor the dwellings are 379, the reſidents 1921. The other towns are Preſteign, where the county jail is ſituated, and the aſſizes are held, Knighton and Rhaedrgwy.

At Llandrindod are medicinal waters of ſome repute: tumuli, called carns, are diſperſed in various parts; and the projected boundary, called Offa's dyke, may be traced through the whole extent of the county.

RUTLANDSHIRE,

THE ſmalleſt county in England, is almoſt of a circular form, 15 miles in length, 10 in breadth, in circumference 48, and in area 200 miles, or 128,000 acres. Its hundreds are five; Alſtoe, Eaſt, Martinſley, Oakham, Soke, and Wrandike, which form 57 pariſhes, and one townſhip, and contain 3261 houſes, and 16,365 inhabitants.

The face of the country is diverſified by ſmall and gently-riſing hills, which run eaſt and weſt, with vallies intervening, about half a mile wide. The ſoil is generally fertile, feeding great numbers of cattle, eſpecially ſheep, whoſe wool is obſerved to be more red than in other counties, from the red quality of the ſoil. The vale of Catmor, where Oakham ſtands, is not inferior in fertility to thoſe of White Horſe and Belvoir.

The *Guaſher-Waſh* is the chief river; its courſe is from eaſt to weſt, through the middle of the county. Several brooks run into this river, ſupplying the inhabitants with water, and with plenty of fiſh.

No town in this county returns members to parliament: it is repreſented by two knights of the ſhire.

Oakham, the ſhire town, is remarkable only for the following curious cuſtom. Every peer of the realm, the firſt time he comes within the precincts, forfeits a ſhoe from his horſe, to the lord of the manor and caſtle, unleſs he agrees to redeem it with money; in which caſe a ſhoe is made, according to his direction, ornamented, in proportion to the ſum given by way of fine, and nailed on the caſtle-hall door. Some ſhoes are of curious workmanſhip, and ſtampt with the names of the donors: ſome are made very large, and ſome gilt. Oakham Lord's-hold, and Oakham Dean's-hold, with Burleythorpe, contain together 457 houſes, and 1613 inhabitants.

The other town is Uppingham, in which are 277 dwellings, and 1393 people.

SHROPSHIRE,

OTHERWISE called Salop, is 40 miles in length, 36 in its greateſt breadth, in circumference 130 miles, and in its area 1403 miles, or 897,920 acres. It is divided into twelve hundreds; namely, Bradford North, Bradford South, Brimſtrey, Caudover, Chirbury, Ford, Munſlow, Oſweſtry, Overs, Pimhill, Purſlow, and Soddeſden; which form 216 pariſhes, 12 townſhips, 9 chapelries, 3 extra-parochial places, 2 towns, 2 villages, and one liberty, and contain 32,111 houſes, and 167,639 inhabitants.

Shropſhire,

Shropſhire, being a frontier between England and Wales, was better fortified than any other county in England, having no leſs than thirty-two caſtles, beſides walled towns. The extremity towards Wales, from its being the limit of both countries, was called the marches of Wales, and governed by ſome of the nobility of this county, who were ſtyled Lords of the Marches. Theſe lords, within their ſeveral juriſdictions, acted with a kind of palatinate authority, which nearly reſembled ſovereign power; but being exerciſed with great inſolence over the inhabitants, it was, after the reduction of Wales, gradually aboliſhed.

The river Severn runs through the county, from north-weſt to ſouth, dividing it into two parts, and is every where navigable for boats. Along the banks are meadows, and ſome good corn lands. The ſoil in the other parts of the county is various, but neither chalk nor flint is found. Coal-pits are numerous, and there are ſome good mines of iron and lead, with quarries of lime-ſtone, free-ſtone, and, in ſeveral places, pipe-maker's clay.

The Severn, which has already been mentioned, is the principal river in Wales, and ſecond only to the Thames in England, belonging alternately to both countries. It finds its origin in the northern diſtricts of the county of Montgomery; and then, pervading great part of Shropſhire, Worceſterſhire, and Glouceſterſhire, becomes an æſtuary below Glouceſter, and takes the name of the Briſtol Channel, on its union with the Wye and the lower Avon, thus rejoining the ancient borders of its native principality, as it divides Monmouthſhire, Glamorganſhire, Caermarthenſhire, and Pembrokeſhire, from Glouceſterſhire, Somerſetſhire, Devonſhire, and Cornwall. The principal of the ſources of the Severn riſes in a ſmall lake, on the eaſtern ſide of Plimlimmon, not far from the heads of the Wye; and the Rhydol, bearing the title of the Hafren river, as it flows through a wild diſtrict, towards the ſouth-eaſt, to Llanidloes. It then turns to the north-eaſt, between hills pleaſantly fringed with wood, as it approaches Newtown, aſſuming its proper name of the Severn. From thence its courſe is almoſt due north, through the delightful vale of Montgomeryſhire, which is highly cultivated, and adorned with numerous towns, villages, and ſeats. Beyond Welchpool it enters the great plain of Shropſhire, and, making a conſiderable compaſs, turns abruptly to the ſouth-eaſt: it then almoſt encircles the town of Shrewſbury, purſuing the ſame direction, till it has paſſed Colebrook Dale; ſoon after which it flows ſouthward to Bridgnorth, Bewdley, Worceſter, and Glouceſter, dividing, near the latter city, into two channels; which, reuniting ſoon afterwards, con-

ſtitute a great tide river. Except a large ſemi-circle, which the Severn makes at Newham, its courſe is chiefly to the ſouth-weſt below Glouceſter, till it aſſumes the title of the Briſtol Channel, expanding and inſenſibly loſing itſelf in the Atlantic ocean, between the Land's-End of Cornwall, and the extreme point of Pembrokeſhire, juſt at the entrance of St. George's Channel, which ſeparates Great Britain from Ireland. In its courſe it ſoon loſes its native rapidity, forming large vales, and generally burying itſelf within deep banks. Soon after leaving Welch Pool, it enters the great plain of Shropſhire, where it glides almoſt undiſtinguiſhed till it approaches Shrewſbury, whoſe walls it nearly girds with its encircling ſtream; the churches, public buildings, walks, and two grand bridges of this county town, preſent very ſtriking objects from the heights they occupy above it. The Severn then pervades a pleaſant diſtrict, near the foot of the Wrekin hill, by a fine ſeat of Lord Berwick, where the Tern joins it; and, paſſing under an old bridge, by the ruins of Buildwas-Abbey, ſinks at once into that deep abyſs, profuſely clothed with wood, which is crowded with the almoſt innumerable works of Colebrooke Dale, and the inceſſant forges of Broſeley. A moſt abundant population, with all the buſy aſpect of trade, pervades this ſooty region: vaſt manufactories, of various kinds, are diſperſed every where about it; and the river, filled with veſſels to tranſport its craft, rolls, in gloomy ſtate, between the livid glare of furnaces, and the deafening clangour of their hammers, through a curious bridge of caſt-iron, the produce of theſe works. This is the only part of the courſe of the Severn, which can properly be called pictureſque; for, as ſoon as it emerges from the ſmoke of Colebrooke Dale, it forms an enchanting object, as viewed, in two great reaches, from the terrace of Apley-Park, deſcending almoſt perpendicularly, in red rocks, and profuſely clothed with wood, from the very margin of the river to its ſummit. The latter of theſe leads to the ſingular town of Bridgnorth, which, built on a high cliff, deſcends abruptly to its ancient bridge, and preſents ſeveral ſtriking objects to the adjacent country, in the contraſted buildings of its old and modern churches, and the leaning tower of its caſtle. The other rivers of Shropſhire are the *Culen*, the *Cowe*, the *Rea*, the *Roden*, the *Tern*, the *Teme*, the *Stour*, and the *Wort*.

Salop ſends to the Britiſh Legiſlature twelve members; two for the ſhire, and as many for each of the following towns, Shrewſbury, Bridgnorth, Ludlow, Wenlock, and Biſhop's-Caſtle.

Shrewſbury, ſituated on a peninſula formed by the river Severn, was originally built by the Britons, in the ſixth century;

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in the time of Alfred, was called a city; in the reign of Edward the Confeſſor, had a mint; and by Roger de Montgomery, to whom it fell by gift from the conqueror, was fortified with a caſtle, on a riſing cliff, facing the north. Of this, however, only one part, with two round towers, remains, and the walls on the north-eaſt. The town walls, on the ſouth and eaſt ſides, are kept in good repair, and form pleaſant walks; thoſe on the north-weſt ſides are entirely covered with houſes. The ſtreets are ſpacious, but irregularly built, and ſome ſteep. This town ſuffered ſeverely for its adherence to the cauſe of the royal martyr, but has now fully recovered its proſperity. Its market is of great reſort for the ſale of friezes and Welch flannels, and the brawn ſold here is in high repute in all parts of England. The corporation conſiſts of a mayor, recorder, ſteward, town-clerk, 24 aldermen, and 48 common-council men, who have a ſword-bearer, 3 ſerjeants at mace, and other inferior officers. They have the power of trying cauſes within themſelves, even in capital caſes, high treaſon excepted. Here are twelve incorporated trading companies, who, every year, on the Monday fortnight after Whitſuntide, repair, in their formalities, to a place called Kingland, on the ſouth ſide of the town, and on the oppoſite bank of the Severn, where they entertain the mayor and corporation in arbours, or bowers, erected for that purpoſe, each of which is diſtinguiſhed by ſome motto or device, alluding to their ſeveral arts. Shrewſbury, with its liberties, contains 3205 dwellings, and 16,631 inhabitants.

In deſcribing the courſe of the Severn, mention has already been made of the ſituation of Bridgnorth. It conſiſts of two towns, ſeparated by the Severn, but united by a ſtone bridge of eight arches, with a gate. It has been walled, and two of the gates remain at the ends of the High-Street. The part without South-gate belonged to the caſtle, which was more in compaſs than one-third of the town. It is governed by two bailiffs, annually elected out of 24 aldermen, by a jury of 14 men, together with a recorder, 48 common-council men, a town-clerk, and other officers. It has 945 houſes, and 4408 inhabitants.

Ludlow is ſituated on the river Teme; it is divided into four wards, and is encompaſſed with walls, in which are ſeven gates. It has an old caſtle, erected by Roger de Montgomery, ſoon after the conqueſt, great part of which is in ruins: ſome apartments are, however, entire and furniſhed: the battlements are very high, thick, and adorned with towers. It has a neat chapel, in which are the coats of arms of ſeveral of the Welch gentry, and over the ſtable doors are thoſe of queen Elizabeth, the earl of Pembroke, and others. The walls of the caſtle were originally

originally a mile in compaſs, and before it was a lawn, extending near two miles, a conſiderable part of which is now enclofed. The church is an ancient venerable edifice, in the upper part of the town. In the choir is an inſcription relating to prince Arthur, brother to Henry VIII. whoſe bowels were depoſited there. The corporation conſiſts of two bailiffs, 12 aldermen, 25 common-council men, a recorder, town-clerk, ſteward, chamberlain, and other officers. It contains 804 houſes, and 3897 people.

Wenlock is in itſelf not much entitled to notice, but its liberties are very extenſive, and contain ſeveral conſiderable towns, particularly Broſeley and Madeley. Wenlock is compoſed of two pariſhes, called Little Wenlock and Much Wenlock, which jointly contain 696 houſes, and 2961 ſouls; but the town, with its liberties, has 3396 inhabitants, and 16,304 people.

Near Broſely is a well, which exhales a vapour that, when contracted to a ſmall vent, catches fire from any flame applied to it, and burns like a lamp, ſo that eggs, or even meat, may be boiled over it. The water is extremely cold, and derives no warmth from the inflammation of the vapour.

SOMERSETSHIRE

Is in form oblong, being in length, from north-eaſt to ſouth-weſt, upwards of eighty miles; in breadth, from eaſt to weſt, between thirty and forty; in circumference 200, and in area 1549 miles, or 991,360 acres. Its hundreds, which are no leſs than forty-two, are Abdick and Bullſtone, Andersfield, Bath Forum, Bumpſtone, Brent with Wrington, Bruton, Cannington, Cachampton, Catach, Chew and Chewton, Crewkerne, Curry North, Ferris Norton, Frome, Glaſton, Hartcliffe with Bedminſter, Horethorne, Hounborough, Keynſham, Kilmerſdon, Kingſbury, Martock, Milverton, Petherton North and South, Pitney, Portbury, Somerton, and Stone, Taunton Dean, Tintinhull, Wellow, Wells Forum, Whiteſtone, Whitley, Willerton and Freemanners, and Winter Stoke: they form 455 pariſhes, 8 towns, 7 tythings, 4 villages, 4 hamlets, 2 extra-parochial places, and one liberty, and contain 50,176 dwellings, and 273,750 ſouls.

In Somerſetſhire the hills, plains, vallies, rivers, and ſeas, abound with commodities uſeful to mankind, and adequate to the neceſſary wants of life. The vallies, whether diſtributed into meads, paſture, or tillage, are in general very rich; and many of the hills, by recent improvements in huſbandry, are made to produce large crops of grain. Hemp, flax, teazels, and woad,

woad, are cultivated in conſiderable quantities. The plains are remarkable for their luxuriant herbage, particularly the moors, on which are fattened great numbers of nearly the largeſt cattle in England. The cheeſe made in this county is eſteemed remarkably fine. The ſheep are generally of the ſmaller kind, and the Mendip mutton peculiarly ſweet. The hills produce various ſorts of valuable ore; in thoſe of Mendip are dug immenſe quantities of lead, and lapis calaminaris, and ſome copper: the Quantock hills alſo afford lead, and copper; the Broadfield downs, and other wilds, have their mines of calamine; and iron ore has been found, though little worked, in various parts of the county; on the rocks near Porlock, ſilver in ſmall quantities is diſcoverable. The coal mines in the northern parts are valuable treaſures to the neighbourhood, and ſupply great part of the cities of Bath, and Briſtol, with fuel. The former city has in great meaſure been raiſed by the fine free ſtone of its neighbouring quarries. The blue Kenton ſtone is admirable for paving. The rocks on the coaſt contain marble, alabaſter, and talk; and thoſe in the inland parts are generally compoſed of lime ſtone, and abound with pyrites, ſpar, lava, and curious petrifactions. In this county are found yellow ochre, and that ſpecies of red ochre commonly called ruddle. The ſea coaſt is extremely irregular, in ſome parts projecting into large, lofty, and rocky promontories, and others receding into fine bays, with flat and level ſhores.

The chief rivers are the *Avon*, the *Axe*, the *Yaw*, the *Brue*, the *Parret*, the *Thone*, the *Chew*, the *Ex*, and the *Frome*.

Somerſetſhire gives 18 members to the houſe of commons, 2 for the county, and as many for each of the following places; Bath, Briſtol, Wells, Taunton, Bridgewater, Minehead, Ilcheſter, and Milbourne Port.

Briſtol has already been deſcribed in treating of Glouceſterſhire.

The cities of Bath and Wells form jointly an epiſcopal ſee. Bath, one of the moſt ancient cities in England, and one of the moſt beautiful in the world, owes its name and its proſperity to its medicinal ſprings. It is ſituated in a deep narrow valley, bounded on the north, ſouth, and ſouth-weſt by lofty hills, forming a pleaſant natural amphitheatre, and affording the city the double advantage, of a barrier againſt the winds, and fountains of the pureſt waters. Theſe hills abound with white freeſtone, of which the houſes are built. On the north-weſt ſide the valley widens, divided into rich meadows, watered by the river Avon. The diſcovery of the medicinal waters is, by ancient hiſtorians, attributed to Bladud, ſon of Lud Hudibras,

who was king of this county 890 years before the birth of Chriſt; but the antiquity of the city, and the baths themſelves, we are not to refer to any higher period than the arrival of the Romans, a people peculiarly happy in converting the gifts of nature to the propereſt uſes, and in ſupplying her deficiences by admirable works of art. In the year of our Lord 44, and in the reign of the emperor Claudius, the Roman forces, under the conduct of Flavius Veſpaſian, after having reduced all the Belgic colonies, and the weſtern parts of Britain, ſat down in this territory. The report of ſuch genial waters as flowed with ſpontaneous heat from the boſom of the earth, in a rude and barbarous country, was a ſufficient inducement to a people who had ſo lately left the luxuries of Italy, where every art was employed in erecting the moſt ſuperb baths and ſudatories, and in fabricating, with immenſe labour and expence, that article of indulgence, which in this ſpot nature ſpontaneouſly furniſhed. Such an extraordinary and unexpected bounty they could not fail aſcribing to that orb, which imparts heat and vigour to the univerſe, and they at once beſtowed on the waters the appellation of *Aquæ Solis*, or the waters of the ſun. Here they ſtationed the firſt detachment of the ſecond legion, building proper habitations for the officers, and the military in general; and at length, by the arrival of other legions, the place grew into a city, endowed with Roman liberties, and governed by Roman laws. Walls, gates, and temples, were erected, and a little Rome began to adorn a dreary inhoſpitable wild. The old Roman city was built in the form of a pentagon, the area 1200 feet in length, and the greateſt breadth 1150. It was ſurrounded by a ſtrong wall, compoſed of layers of ſtone, brick, and terras, nine feet in thickneſs, and twenty feet in height: this wall was flanked by circular towers at each angle, and had four gate-ways, anſwering nearly to the cardinal points of the compaſs, from which, in ſubſequent times, the principal ſtreets had their denominations. After the departure of the Romans, the city was the ſcene of many viciſſitudes, as the ſtate of the realm, or the events of war directed; but favoured as it is by nature, it was alſo eminently proſperous, and at one time a place of great trade in cloth. Its modern ſtate, however, is not ſupported by ordinary means of commerce, but by a general reſort of viſitors of every claſs, invited by every motive. At an early period of the laſt century, a gentleman named Naſh, who is commonly called Beau Naſh, laboured with great aſſiduity to render Bath the rendezvous of the gay, and the faſhionable, without excluding thoſe whom want of birth and connexion would have kept at a diſtance from ſuch a ſcene. Bleſſed with a good underſtanding, and endowed with accompliſhed

pliſhed manners, he brought this city under a peculiar police, calculated to afford the advantages of ſplendour to the great, without denying comfort to thoſe whoſe incomes are more reſtricted, to protect a general ſyſtem of ſocial equality, without affording to the ill bred, or the preſumptuous, means or pretexts for offending their ſuperiors by unwarranted intruſion. Illneſs being the oſtenſible motive for the collection of company, all means are uſed to augment the comforts which are required in that ſtate, by regulating the prices of many neceſſaries and conveniencies of life, and inſuring eaſy acceſs to cheerful ſociety and elegant recreation. But as it is known that many muſt reſort to ſuch a ſcene, without even the plea of indiſpoſition, ſo, as may be expected, diſſipation, profuſion, and all the irregularities of wealth and idleneſs, may be found in thoſe places, where the general regulations do not interpoſe a reſtraint. The waters flow from three principal ſprings, or baths, the king's-bath, the hot-bath, and the croſs-bath. The queen's-bath is merely an expanſion of the waters of the king's-bath. The heat of the king's-bath is 116 degrees on Fahrenheit's thermometer, of the hot-bath 117, and of the croſs-bath 111. The creſcents, and parades of Bath, are formed of beautiful houſes, built with the ſtone from the neighbouring hills, which is at once light and clean; the abbey or cathedral church is much admired, and there are beſides three pariſh churches, ſeveral chapels belonging to the church of England, and places of worſhip for Roman Catholics, Preſbyterians, Moravians, Unitarians, and Quakers. The general hoſpital or infirmary does honour to the city, the playhouſe is neat and elegant, and the various rooms for the reſort of company are eminently beautiful. The corporation of Bath conſiſts of a mayor, 9 aldermen, a recorder, two bailiffs, and 20 common-council men. The city contains 4463 houſes, and 32,200 inhabitants.

The city of Wells receives its name from a remarkable ſpring, called St. Andrew's well, vulgarly bottomleſs well, which riſes near the epiſcopal palace, and emitting a copious ſtream, ſurrounds that ſtructure with its waters, and thence tranſmits them through the ſouth-weſt part of the town. The city is ſmall and compact, in general well built, and neatly paved. It is divided into four verderies, in the manner of wards. The market place is on the eaſt ſide of the city, and is wide and airy. In it ſtood till lately a curious market croſs, built in the year 1542, by biſhop Knight and dean Woolman, for the accommodation of the poor people. Near the ſite of this croſs is the city conduit, the water of which is derived by leaden pipes, from an aqueduct, built by biſhop Beckington,

near

near the source of St. Andrew's well, between the cathedral and the palace. The cathedral is a venerable structure, said to have been first erected by king Ina, about the year 704, but was afterwards so effectually repaired by bishop Fitz-Joceline, that it was considered as a new work. The front, which has been built upwards of five hundred years, is admired for its imagery and carved work in stone, and particularly for a window most curiously painted. Adjoining to the church are spacious cloisters, and a chapter-house of a circular form, supported by one pillar in the middle. The corporation consists of a mayor, recorder, 7 masters, and 16 common-council men. There are in Wells 796 houses, and 4237 souls.

Taunton, which is delightfully situated on the river Thone, is a populous borough, and thought to be one of the largest in the kingdom. It has a spacious market place, with a commodious market house, over which is the town hall. The castle was a building of great extent; its hall, with the outward gate, and porter's lodge, are still standing; and in the hall, which is very large, are generally held the assizes for the county. At the entrance into the court, is the exchequer, where the clerk of the bishop of Winchester keeps his office; and a court is held every Saturday for the bishop's tenants. King Charles II. caused the walls to be demolished, and took away the charter from the town, on account of the inhabitants having adhered to the parliament in the reign of his father; after which they were seventeen years without one, till the same prince granted them a new charter. On the 18th of June, 1685, the duke of Monmouth arrived at Taunton, which he made his head quarters; and having won many considerable persons to his cause, procured himself to be proclaimed king, on the Cornhill, by the title of James II., and then published three several proclamations, against the king, the parliament, and the duke of Albemarle. After his defeat, the assize was held here by judge Jefferies, for the trial of the rebels, which has been emphatically called the bloody assize. The corporation consists of a mayor, recorder, 2 aldermen, and 20 capital burgesses. The mayor and aldermen are annually chosen out of the burgesses. The mayor's officers have no power to arrest, and the town contains no prison, except a bridewell for vagrants; debtors and criminals being sent to the county gaol at Ilchester. Though this is one of the most flourishing towns in the county, its corporation possesses neither lands, houses, nor joint stock in money. Taunton has 1194 houses, and 5794 inhabitants.

Bridgewater is a sea-port town, situated near the Bristol Channel, on the river Parrett. It was formerly the private estate of William de Brewere, one of the great barons of king John,

John, to whom a charter was given, dated at Chinon in France the 26th June, 1200, for erecting Bridgewater into a free borough, with privileges to his tenants. It has a ſpacious town hall, and a high croſs, with a ciſtern over it, to which water is conveyed by an engine from a neighbouring brook, and carried from thence to moſt of the ſtreets. This town was regularly fortified in the civil wars, and ſuſtained more than one ſiege. The manufactures of Mancheſter, Liverpool, and Birmingham, for the internal parts of Devon and Cornwall, are brought to this port. About 40 veſſels, from 30 to 100 tons, are employed in carrying coals from Wales to this place, and hence the neighbourhood is ſupplied at a moderate rate. The river is navigable for large barges to Taunton and Langport. About ſix miles ſouth of the town, the rivers Thone and Parrett meet. The corporation conſiſts of a mayor, recorder, 2 aldermen, who are juſtices of the peace, and 24 common-council men. There are annually choſen out of the common-council 2 bailiffs, who are inveſted with a power equal to that of a ſheriff; for the ſheriffs of the county cannot ſend any proceſs into the borough. A receiver is alſo annually choſen out of the common-council, to collect the town rents, and make payments. The revenues of the corporation, conſiſting of the manor of the borough, the great and ſmall tithes, and ſome eſtates in Dorſetſhire, are valued at 10,000l. a-year; and the freemen are free of all the ports in England and Ireland, except London, and Dublin. In Bridgewater are 493 houſes, and 3654 people.

Minehead is a ſea-port in the Briſtol channel, formerly a place of much trade, but now gone to comparative decay, though its population is ſtill conſiderable, and its commerce not altogether ſtagnant: it has 339 dwellings, and 1168 ſouls.

Ilcheſter, otherwiſe Ivelcheſter, is a place of great antiquity, and was formerly the aſſize town, it ſtill contains the county jail, and the election of the knights of the ſhire is ſtill held at this place; but it has neither trade nor manufactures of any importance. Its corporation is a bailiff, and 12 burgeſſes. It has 138 houſes, and 817 people.

The other towns are Axbridge, Burton, Caſtle Cary, Chard, Chedder, celebrated for cheeſe and cyder, Crewkerne, Dulverton, Dunſter, Frome, Glaſtonbury, Ilminſter, Keynſham, Langport, Milverton, Nether Stowey, North Curry, Norton St. Philip, North Petherton, South Petherton, Porlock, Shepton Mallet, Somerton, Stogumber, Watchet, Wellington, Wincaunton, Wivelſcomb, Wrington, and Yeovil. The manufactures of the county comprize all ſorts of cloth, as broad and narrow kerſeys,

kerſeys, druggets, ſerges, duroys, and ſhalloons, together with crape, ſtockings, and buttons; and in the ſouth-eaſt parts are made great quantities of linen.

STAFFORDSHIRE

Is about 54 miles in length, from north to ſouth, from 18 to 36 in breadth, 141 in circumference, and in area 1196 miles, or 765,440 acres. It is divided into 5 hundreds, namely Cuttleſtone, Offlow, Pirehill, Seiſdon, and Fotmonſtow, which form 112 pariſhes, 105 townſhips, 33 liberties, 6 hamlets, 5 towns, and 4 extra-parochial places, and contain 47,193 houſes, and 239,153 inhabitants.

The air is in general pure and healthy; but in ſome parts it is ſharp and cold, particularly in the mountainous places, north-weſt of a market town called Stone.

The ſoil is various; from a ſtiff clay to a looſe ſand, loamy, and in ſome places a thin light black earth, with a gravelly bottom. According to the agricultural report, the horned cattle, ſheep, and ſwine of this county ſeem to be of a quality equal, if not ſuperior, to moſt others of the kingdom. Beſides plenty of turf and peat for firing, Staffordſhire yields three ſorts of coals, which are diſtinguiſhed by the names of pit-coal, peacock-coal, and cannel-coal. The pit-coal is dug chiefly at Wedneſbury, Dudley, and Sedgley, not far from Wolverhampton. The peacock-coal, ſo called from its reflecting various colours, like thoſe of a peacock's tail, is found at Henley Green, near Newcaſtle-under-Line, and is better for the forge than for the kitchen. The cannel-coal has already been noticed. Under the ſurface of the ground, in ſeveral parts of this county, are found yellow and red ochres, tobacco pipe clay, potters-clay, fuller's earth, and a ſort of brick earth, which when burned becomes blue, and is ſuppoſed to be the material of which the Romans made their urns. Here alſo are found ſtones and minerals of various ſorts; as fire ſtone, for the hearths of iron furnaces, and ovens, lime ſtone, iron ſtone, or ore, the beſt kind of which is called muſh, and is found at Ruſhal, near Walſall, a market town. This is the ore from which the beſt iron is extracted. Some of theſe iron ſtones being hollow on the inſide, contain about a pint of ſharp cold liquor, grateful to the taſte. Copper ſtones, or ore, lead ore, the hæmatites or blood-ſtone, alabaſter, divers kinds of marble, quarry-ſtones, mill-ſtones, and grind-ſtones, of ſeveral colours, are obtained in various parts of the county.

The

The principal manufactures are cloth, ſhoes, earthen ware, and iron utenſils, all kinds of which are made in great perfection.

The chief rivers of Staffordſhire are the *Trent*, the *Churnel*, the *Dove*, the *Blithe*, the *Line*, the *Tean*, the *Sow*, the *Pink*, and the *Manifold*, which afford almoſt every ſpecies of freſh water fiſh. There are alſo in this county medicinal ſprings of various qualities; ſome impregnated with bitumen, ſome with ſalts, and others with ſulphur. The bituminous are at Bereſford and Mints; of the ſaline, the ſtrongeſt are the brine pits at Chartley, near Stafford, from the water of which excellent white ſalt is made; a weaker is in Blue Hill, near Leck. Of the ſulphureous ſort are St. Eraſmus's well, at Ingeſtre, and a ſpring at Codſal. There are alſo other medicinal waters in this county, not reducible to either of theſe claſſes, as Salter's well, near Newcaſtle-under-Line, which has the reputation of curing the king's evil; Elder well, at Blimhill, near Penkridge, ſaid to cure diſorders of the eyes; and a well, called the Spa, near Wolverhampton, which is reputed to have cured diſeaſes of various kinds.

Staffordſhire returns to parliament ten members; being two each for the county, the city of Litchfield, and the towns of Stafford, Newcaſtle-under-Line, and Tamworth.

Litchfield, jointly with Coventry, forms the ſee of a biſhop. It ſtands in a valley, three miles ſouth of the Trent, and is divided by a ſtream which runs into that river. That part ſouth of the ſtream is termed the City, and that on the north the Cloſe, from its being encompaſſed with a wall and dry ditch on every ſide, except that next the city, which is much the largeſt part, and is joined to the Cloſe by two bridges. The cathedral was firſt built in the year 300, and has been ſeveral times rebuilt and enlarged, particularly by biſhop Hacket, after the reſtoration, and in the year 1789, when it underwent a thorough repair. Here are three other churches, and formerly there was a caſtle, now deſtroyed. Litchfield is governed by 2 bailiffs, a recorder, ſheriff, and 24 burgeſſes. It is a county of itſelf, and contains a juriſdiction of about ten or twelve miles in compaſs; on which account the ſheriff, on the 19th of Septr. rides round the bounds, and gives a feaſt to the corporation and neighbouring gentry. It contains 916 houſes, and 4512 inhabitants.

Stafford is ſituated on the river Sow, over which it has a handſome ſtone-bridge, and is, in doomſday-book, called a city; but it does not appear to have been incorporated before the reign of king John. On a lofty hill, to the weſtward of the town, ſtood Stafford caſtle; but now a few ruins of the

walls alone remaining. The cuſtom called Borough Engliſh prevails in this town. It is governed by a mayor, a recorder, 10 aldermen, and twenty common-council men. Here the county aſſizes and quarter ſeſſions are kept. The houſes are 783, the inhabitants 3898.

Newcaſtle-under-Line is an ancient populous and thriving town. It derives its name from a caſtle now in ruins, built in the reign of Henry III., which was called new, to diſtinguiſh it from an older caſtle, which ſtood at Cheſterton, a village in its neighbourhood, and was afterwards called Newcaſtle-under-Line, from its ſituation upon the eaſt ſide of a branch of the Trent, called the Line; but the caſtle has long been levelled with the ground. In the neighbourhood are many coal pits, and ſeveral manufactories of ſtone-ware. It is governed by a mayor, 2 bailiffs, and 24 common-council men, who have a court for holding pleas, for any ſum under 40l. It contains 1058 dwellings, and 4604 people.

Of Tamworth, part only is in Staffordſhire, the reſidue in Warwickſhire. The other conſiderable towns are Brewood, Bromley Abby, Burſlem, Burton-upon-Trent, Bettey (the market diſcontinued), Cannock (market diſcontinued), Cheadle, Eccleſhal, Leek, Longnor, Penkridge, Rugely, Stone, Tutbury, Uttoxeter, Walſal, Wedneſbury, and Wolverhampton.

SUFFOLK

Is 47 miles in length, and 27 in its mean breadth; and in area 1566 miles, or 1,002,240 acres; its ſhape inclines that of a creſcent. It has 23 hundreds, namely, Babergh, Blackbourne, Caſford, Hartiſmere, Hoxne, Lackford, Plomſgate, Reſbridge, Stow, Thredweſtry, Thredling, Blything, Boſmore and Claydon, Chailford, Colneis, Loes, Mutford, and Lothingland, Samford, Thingoe, Wangford, and Wilford in which are 453 pariſhes, 21 villages, 16 townſhips, 5 towns, 5 hamlets, and 2 extra-parochial juriſdictions, 32805 houſes, and 210,431 inhabitants. This county is alſo divided into two parts; the weſtern, called the franchiſe or liberty of St. Edmund, and the eaſtern called the geldable land. Each of theſe furniſhes a diſtinct grand jury at the aſſizes. In the franchiſe, the iſſues and forfeitures are paid to the lords of the liberties, and in the geldable part, to the king. There is alſo another general diviſion of this county, into High Suffolk, and Low Suffolk.

The air is healthy, the ſurface of the county in general level, with few eminences. The ſoil is principally a ſtrong loam, with ſome fen land, and ſome ſand. The cows are highly eſteemed for their copious ſupply of milk; they are rather ſmall and

and without horns. The draught horſes are excellent; the ſheep fine and numerous. Butter and grain form the moſt conſiderable exports of the county. Hemp is cultivated in the northern part, and there are ſome plantations of hops on the borders of Eſſex. The manufactures are inconſiderable; chiefly woollen and linen.

The principal rivers are the *Little Ouſe*, *Waveney*, *Stour*, *Orwel*, *Deben*, *Blyth*, *Alde*, and *Larke*.

Suffolk ſends ſixteen members to parliament: two knights for the ſhire, and two burgeſſes for each of the following boroughs: Ipſwich, Dunwich, Orford, Oldborough, Sudbury, Eye, and St. Edmund's Bury.

Ipſwich, the county town, is ſituated on the river Orwell, about twelve miles from the German Sea. It is ancient, and was formerly of much greater note than at preſent; the harbour was more convenient, and had a greater number of veſſels. The principal trade for the ſhipping of this port is the Greenland whale fiſhery, for which it is well ſituated, as the ſame wind which conveys the ſhips out of the river, will ſerve them for the whole voyage. Great quantities of corn are ſent to London, and timber conveyed to the different dockyards. The tide riſes to the height of twelve feet, but as the harbour is almoſt dry at low water, veſſels of large ſize are obliged to moor below the town. Ipſwich is of great antiquity, and had charters and a mint as early as the reign of king John. It enjoys ſeveral conſiderable privileges, ſuch as the paſſing of fines and recoveries, trying both civil and criminal cauſes, and even holding pleas of the crown. The aſſize of wine, bread, and beer, is alſo appointed by the magiſtrates. The corporation has an admiralty juriſdiction, including the whole coaſt of the county, and that of Eſſex beyond Harwich, and is entitled to all waifs, eſtrays, and goods caſt on ſhore. No freeman can be compelled to ſerve on juries out of the town, or to bear any office for the king, except that of ſheriff. Ipſwich contains a town-hall and a council chamber; a ſhire-hall for the county ſeſſions; and in a part of an ancient monaſtery, are held the quarter-ſeſſions for the Ipſwich diviſion; another part of the ſame building is converted into a jail. It is governed by 2 bailiffs, a recorder, 10 portmen, and 24 common-council men. The bailiffs and 4 of the portmen are juſtices of the peace. The town has 2221 houſes, and 11,277 people.

Bury St. Edmunds owes its name to an abbey, one of the largeſt and richeſt in the kingdom, founded in honour of Edmund, king of the Eaſt Angles, who was born, crowned, murdered, and buried there. The town, ſituated in a healthy ſpot, has been termed the Montpelier of England. It is a place of great

antiquity, and parliaments have been held at it, particularly one called by Henry VI. in the year 1446, when Humphry duke of Glouceſter was impriſoned, and ſhortly afterwards died, as it was generally believed by clandeſtine means. The corporation conſiſts of an alderman, recorder, 12 capital burgeſſes, and 24 common-council men; the dwellings are 1397, the inhabitants 7,655.

Sudbury on the river Stour, and borders of Eſſex, is ſaid to have been one of the firſt towns, in which the woollen manufacture was eſtabliſhed by the Flemings, in the reign of Edward III. It contains three churches, 612 houſes, and 3283 people, and is governed by a mayor, recorder, 6 aldermen, and 24 capital burgeſſes, or common-council men.

The remaining towns are Beccles, Bilſton, Blythborough, Brandon, Botteſdale, Bungay, Clare, Debenham, Framlingham, Hadley, Haleſworth, Haveril (in part), Ixworth, Lavenham, Loweſtoff, which has an excellent fiſhery, particularly for cod, Mendleſham, Mildenhall, Needham, Neyland, Southwold, Stow Market, Saxmundham, Woodbridge, and Woolpit.

SURRY

Is 39 miles in length, from eaſt to weſt, and 26 from north to ſouth. It circumference is 112 miles, its area 811 miles, or 519,040 acres. It is divided into thirteen hundreds, called, Blackheath, Brixton, Copthorne and Effingham, Elmbridge, Farnham, Godalming, Godley and Chertſey, Kingſton, Reigate, Tandridge, Wallington, Woking, and Wooton, which contain 134 pariſhes, 10 towns, 5 tythings, 4 hamlets, 3 extra-parochial places, and 1 liberty, 47,386 houſes, and 269,043 inhabitants.

The ſoil is various, ſandy, gravel, chalk, loam, and mould of different depths, principally with chalk and gravel underneath. In the interior parts, the air is mild, and the crops abundant; to the ſouth-weſt, the air is cold. On the downs, particularly thoſe of Banſtead, which ſtretch thirty miles in length, from Croydon to Farnham, and are covered with a ſhort herbage, perfumed with thyme and juniper, the mutton, though ſmall, is remarkably ſweet. Near Ryegate, is dug up great plenty of fullers earth.

The manufactures of this county are ſtarch, ſnuff, tobacco, leather, gunpowder, hats, pottery, paper, and vinegar. In the neighbourhood of the metropolis are large diſtillers, callico printers, and wax bleachers.

The principal rivers which water Surry are the *Thames*, the *Wandle*, the *Wey*, and the *Lodden*, which in general afford a good

good quantity of fiſh: the Wandle in particular is celebrated for trout.

Surry ſends to parliament 12 members, two for the county, and the ſame number for Southwark, Guildford, Ryegate, Haſlemere, Bletchingley, and Gatton.

Southwark, called in common ſpeech, eſpecially by the inhabitants of London and Weſtminſter, the Borough, is both by ſituation and charter an appendage to the metropolis, which it reſembles in number of houſes, activity of commerce, and all circumſtances of external appearance. Southwark ſeparated from London, by the river Thames, but connected with it by London bridge, is larger than many cities, being divided into four pariſhes, which contain 11,321 houſes, and 67,448 inhabitants, beſides the patients in the two hoſpitals called St. Thomas's, and Guy's, who in 1801 were 810. The general extent of this borough is apparently, though not really, augmented by its joining on the eaſt with Horſleydown and Rotherhithe, on the weſt with the new buildings erected in the pariſh of Lambeth, and on the north with Newington Butts. It contains, beſides the priſons of the Marſhalſea, the new jail for malefactors, and extends to the large and well-built priſon of the King's-Bench. Southwark is mentioned in hiſtory in the year 1052, when earl Godwin arriving there with a powerful fleet, and having caſt anchor till the return of the tide, paſſed London bridge without oppoſition, in order to engage the royal navy, which conſiſted of fifty ſhips of war, lying oppoſite to Weſtminſter. However affairs being accommodated, the earl returned without coming to an engagement. The borough of Southwark was governed by its own bailiffs till the year 1327, when the city of London, finding great inconvenience from the eſcape of the malefactors, out of the reach and cognizance of the city magiſtrates, obtained a grant, by which the mayor of London was conſtituted bailiff of Southwark, and impowered to govern it by deputy. However, the inhabitants, ſome time afterwards, recovered their former privileges, which they enjoyed till Edward VI. granted Southwark to the city of London, for the ſum of 647l. 2s. 1d.; and about a month after the paſſing of this patent, Southwark was made one of the city wards, named Bridge Ward Without, in conſideration of the city's paying to the crown an additional ſum of 500 marks, upon which the number of aldermen was increaſed from twenty-five to twenty-ſix, a new one being choſen to govern that borough. Hence Southwark has ever ſince been conſidered as ſubject to the lord mayor, who has under him a ſteward and bailiff, the former of whom regularly holds a court of record, in the hall of St. Margaret's hill, for all debts, damages, and

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treſpaſſes within its limits; and the lord mayor proclaims a fair held at Southwark, on the 19th of September. It is divided into two parts; the Borough Liberty, in which the lord mayor's ſteward or bailiff holds the above courts; and the Clink, or Manor of Southwark, which is ſubdivided into the Great Liberty, the Guildhall, and the King's Manor; for each of which ſubdiviſions, a court leet is held, where conſtables, ale conners, and fleſh taſters are choſen, and other buſineſs tranſacted. The Clink Liberty is under the juriſdiction of the biſhop of Wincheſter, who, beſides a court leet, keeps a court of record, by his ſteward and bailiff, for pleas of debt, damages, and treſpaſſes. Courts leet are alſo kept at Bermondſey and Rotherhithe. The military government of Southwark is under the lord lieutenant of the county of Surry, and eleven deputy lieutenants. Oppoſite the weſt end of St. George's church was anciently a magnificent ſtructure, belonging to the duke of Suffolk, which coming to Henry VIII., he erected a mint in it for the coining of money; it being afterwards pulled down and converted into ſtreets, they ſtill retained the name; and being a privileged place, it became a harbour for bankrupts and fraudulent debtors. Although the privilege of this place was taken away in the reign of William III., they ſtill kept their ſtation, in defiance of the laws, and of the civil power, till an act of parliament was made in the latter end of the reign of George I. which obliged them to diſperſe. In this borough were anciently a number of brothels, called ſtews, ſituated on the bank ſide, Southwark, and licenſed by the biſhop of Wincheſter. At firſt there were eighteen of theſe houſes, but afterwards twelve only were allowed. They ſtood in a row, and had ſigns on their fronts facing the Thames, which were not hung out; but painted on the walls; as the cardinal's hat, the croſs keys, the bell, the caſtle, the ſwan, the boar's head, &c. Theſe houſes were under ſtrict regulations, confirmed by act of parliament in the reign of Henry II., which were to be obſerved, under great penalties. No ſingle woman, deſirious of forſaking her ſins, was to be kept againſt her will; and every lewd woman was forbidden the rites of the church, and denied chriſtian burial, if ſhe was not reconciled to the church before her death. Hence there was a plot of ground, termed the ſingle woman's church-yard, appointed for theſe lewd women, at a diſtance from the pariſh church. Theſe houſes were put down by order of Henry VIII. in the year 1546, when their ſuppreſſion was proclaimed by ſound of trumpet.

Guildford, ſeated on the river Wey, was in the Saxon times a royal villa, given by king Alfred to his nephew Ethelwald. The ruinous

ruinous walls of an old caſtle, of prodigious thickneſs, are ſtill viſible. This town, which was incorporated by Henry I., gives title of earl to the noble family of North. Being the county town, the ſummer aſſizes are held here alternately, and the election of knights of the ſhire always. It is governed by a mayor, 7 magiſtrates, and 16 bailiffs, and contains 483 dwellings, and 2,634 ſouls.

Ryegate, or Reigate, is ſeated on a branch of the river Mole: its caſtle, of which little now remains, is ſaid to have been the rendezvous of the barons who took arms againſt king John. It has 434 houſes and 2246 people.

The other towns are Chertſey, Croydon, Darking, Egham, Ewel, Farnham, Godalmin, and Kingſton. Beſides theſe, Surry abounds in rich and beautiful villages, the reſidence of perſons of the higheſt rank and greateſt opulence, ſome of which as well as the towns are entitled to notice.

Chertſey, ſituated on the Thames, was formerly the reſidence of ſome of the Saxon kings, and has the remains of an abbey founded in the year 664. It contains 565 houſes, and 2819 inhabitants. Near Chertſey is St. Ann's hill, one of the moſt beautiful ſituations in England.

Croydon has the ſummer aſſizes alternately with Guildford. It had alſo formerly a palace of the archbiſhop of Canterbury, which was alienated and ſold by authority of parliament in the year 1780, and is now employed as a cotton manufactory. The church is ſaid to be one of the largeſt and handſomeſt in the county. Croydon contains 1074 habitations, and 5743 people.

Darking is celebrated for its market for poultry, and has a great trade in malt; its church is collegiate, and it retains the cuſtom called Borough Engliſh. It population is 3058 perſons, the dwellings 583.

Egham as well as Epſom is greatly reſorted to, on account of races eſtabliſhed in the neighbourhood of each, and both are places of conſiderable population and trade. Near Egham is Runnymede, celebrated as the place where the barons extorted from king John the ſignature of Magna Charta. Epſom has a mineral ſpring, which was at one time in high repute. Farnham is a large and populous town, with a market for wheat; and in its neighbourhood hops are produced in great abundance, and in quality not inferior to thoſe of Kent.

Godalming (pronounced Godliman) is alſo a town of great extent and commerce, containing 1396 houſes, and 3405 inhabitants. Its ſituation on the river Lodden affords it the advantage of many corn and paper mills.

Kingſton-upon-Thames is a place of great antiquity, and now

ſufficiently proſperous, though in former times this town, as well as Farnham, obtained by requeſt an exoneration from the expenſive honour of ſending members to parliament. It contains 682 houſes, and 3793 inhabitants, and the lent aſſizes are conſtantly held there.

Among the villages or pariſhes in Surry, which are embelliſhed by wealth, or enriched by commerce, Richmond is entitled to peculiar notice. It is moſt delightfully ſituated on the banks of the Thames, and enjoys all the advantages of a pure air, and beautiful and extenſive proſpects. It has a royal palace, with an extenſive park and gardens, and the place and its vicinity are thronged with the nobility and gentry, who have ſelected it for an elegant retreat from the buſtle and ſmoke of town, and yet ſufficiently near to enable them to attend the calls of duty, or the invitations of pleaſure. It has 888 dwellings, and 4628 inhabitants.

The pariſh of Lambeth contains the palace of the archbiſhop of Canterbury; it forms to Weſtminſter ſuch a diſtrict, as Southwark does to London. Buildings touching Weſtminſter bridge are extended in every direction to the number of 5009, which contain 27,939 ſouls. Many of theſe houſes are good and ſubſtantial, but a great portion are badly erected, and form the reſidence of the needy and the abandoned. Formerly temples of debauchery, under the name of tea gardens abounded in this diſtrict, but of late years they have been ſuppreſſed by the honourable vigilance of magiſtracy. Still, however, this part of Surry forms, in common contemplation, ſo abſolutely a portion of the metropolis, that it will again meet attention in the portion of this work dedicated to that ſubject.

Bermondſey and Rotherhithe, placed on the Thames, oppoſite the greateſt ſcenes of buſineſs in the county of Middleſex, are inriched and rendered populous by induſtry, particularly thoſe branches which are exerciſed about ſhipping. There are alſo parts in each where the wealthy and proſperous can enjoy the bleſſings attending their ſtate, without removing too far from the ſcene from which they are derived. Bermondſey has a mineral water, to which the name of Spa has been given, and ſome virtues aſcribed: it has afforded a motive for licencing a place of amuſement on the plan of Vauxhall. The houſes in Bermondſey are 3203, the inhabitants 17,169: in Rotherhithe, 1696, and 10,296.

Batterſea is for the moſt part laid out in gardens, for the ſupply of the metropolis with vegetables; Camberwell is rendered populous and proſperous, both by the reſidence of the wealthy, and the labour of the induſtrious; Clapham exhibits, in every direction, the elegant manſions of thoſe who have derived

derived riches from ſucceſsful commerce, and of many who ſtill continue thoſe purſuits which formed the baſis of their fortune. The population of theſe villages, and others ſimilarly circumſtanced, may be regarded as matter of curioſity, and therefore is given:

	Houſes.	Inhabitants.
Batterſea —	648 —	3365
Camberwell —	1224 —	7059
Clapham —	487 —	3864
Newington —	2940 —	14847
Wandſworth —	722 —	4445

Dulwich and Streatham have alſo mineral ſprings, but their virtues are not in theſe days much relied on; at the former place is a college and hoſpital for a maſter, four fellows, twelve poor men and women, as many poor boys, a chaplain, ſchoolmaſter, and uſher.

SUSSEX

Is 75 miles in length, from eaſt to weſt, 20 in its mean breadth, from north to ſouth, in circumference 158, and in area 1461 miles, or 935,040 acres. It is divided into ſix rapes, called Arundel, Bramber, Chicheſter, Haſtings, Lewes, and Pevenſey; theſe are ſubdivided into 61 hundreds, and form 271 pariſhes, 19 villages, 10 towns, 9 townſhips, 2 hamlets, 1 liberty, 1 borough, 1 precinct, and 1 extra-parochial juriſdiction. The houſes are 25,993, the inhabitants 159,311.

The ſoil, towards the north, is generally a clay, with ſome ſand, a ſtiff rich loam, and chalk, on a range of hills, called the South Downs, which extend from the county of Hants to Eaſt Bourne, in an unbroken chain, at leaſt fifty miles in length, though ſeldom five miles in breadth. Suſſex is remarkable for timber, eſpecially oak; and the ſheep, fed on the South Downs, are particularly celebrated. In the north part of the county, bordering upon Kent and Surry, or in the woody tract of the three counties, is the Weald, or Wild, which is ſaid to be 120 miles long, and in ſome parts 30 broad. Here is found the mineral called talc; and in the eaſtern parts of the county, toward the borders of Kent, is dug great plenty of iron ore, and many forges, furnaces, and water mills, both for caſt and wrought iron, are eſtabliſhed. The principal manufactures of this county are caſt and wrought iron, and the excellent gun-powder made at a market town called Battel.

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The rivers are the *Arun*, the *Adur*, the *Ouſe*, the *Cockmere*, the *Brede*, and the *Rother*.

Suſſex returns to parliament 28 members: 2 for the county, 2 for the city of Chicheſter, 2 each for the boroughs of Arundel, Bramber, Eaſt Grinſtead, Horſham, Lewes, Medhurſt, Shoreham, and Steyning, and 2 for each of the following cinque-ports, Haſtings, Rye, Seaford, and Winchelſea.

The city of Chicheſter, ſituated on the river Lavant, by which it is ſurrounded on every ſide but the north, is a neat, compact city, of great antiquity; ſeeming to have been of ſome ſtrength in the time of the Britons. That it was a Roman ſtation, the antiquities diſcovered leave no room to doubt. The cathedral, which is dedicated to the Virgin Mary, is a handſome, though ſmall ſtructure, and is adorned with a ſpire, much admired for its ſtrength and curious workmanſhip. The city is encompaſſed by a ſtone wall, which has four gates, anſwering to the cardinal points of the compaſs. From each of theſe gates is a ſtreet, that takes its name from the gate, and terminates in the market place, which is the centre of the city. It had formerly a conſiderable manufacture of needles, which is now decayed, but there is one of baize, blankets, and coarſe cloth. An act of parliament was obtained in the reign of James I. to make the Lavant navigable up to the city, but not put into execution. The branch, or arm of the ſea, near which the city is ſituated, is ſpacious and well ſheltered, and capable of receiving ſhips of great burthen. The corporation conſiſts of a mayor, recorder, and 38 common-council men. The habitations are 831, the people 4744.

Arundel is ſo called from its ſituation in a dale or valley, on the bank of the river Arun, which is navigable up to this town by ſhips of 100 tons burthen. Arundel was famous in the time of the Saxons for its caſtle, which is ſaid to have been a mile in compaſs, and was given by William the Conqueror to Roger de Montgomery his kinſman, who repaired it. One of his deſcendants forfeited it, by engaging in a rebellion againſt king Henry I. Adeliza, that prince's conſort, had it in dower; and her ſecond huſband, William d'Albani, defended it againſt king Stephen, in favour of the empreſs Maud, who, to recompence his ſervices, created him earl of Arundel, which title is, in limitation, different from others; that honour being ſo annexed, that whoſoever is poſſeſſed of this caſtle and ſeignory is, without creation, earl of Arundel. From the Albani it deſcended by marriage to the Fitz-Alans; and from them, in the year 1579, it went with the heireſs of that family to Thomas Howard duke of Norfolk. In the civil wars between the king

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and parliament, it was taken by lord Hopton, but recaptured by Waller. The houſes in the town are at preſent 355, the inhabitants 1855; it is governed, under a charter of queen Elizabeth, by a mayor and 12 burgeſſes. The mayor is annually choſen, and is judge at a court leet of the lord of the manor, held every three weeks. He has the authority of a juſtice of the peace, though he ſeldom executes the office; he appoints collectors of the package, and ſtallage, ale conners, and fleſh taſters; and no writ can be executed within the borough without his permiſſion.

Horſham, which is ſaid to derive its name from Horſa, the brother of Hengiſt the Saxon, is one of the largeſt towns in the county, and has a fine church, a county jail, and a well endowed free ſchool. It is a borough town, governed by 2 bailiffs, annually choſen at the court leet of the duke of Norfolk, by a jury, who return 4 to the ſteward of the court, out of which number he nominates 2. The ſpring aſſizes are held here. It contains 573 houſes, and 3204 people.

Lewes, which is ſeated on an eminence on the weſt-ſide of the river Ouſe, on the edge of the South Downs, is pleaſant and populous. It was formerly fortified with a caſtle and walls, of which there are ſtill ſome remains. Here was formerly a celebrated monaſtery, founded in the year 1078. It is a borough by preſcription, but not incorporated, being governed by two conſtables, annually choſen at the court leet. It is a place of conſiderable trade, and in ſummer, the aſſize town. Its inhabitants are 3309, the houſes 512.

The other towns in Suſſex are Battel, Brighthelmſtone, Cuckfield, Eaſtbourne, Haylſham, Newhaven, Petworth, and Tarring.

Of theſe Brighthelmſtone, or as it is frequently called Brighton, is moſt entitled to notice. It is ſituated at the bottom of a bay formed by Beachy Head, and Worthing Point, in the Engliſh Channel. It has no harbour, but veſſels of 150 tons can lie cloſe to the ſhore to unload in calm weather. In the road, about a mile from the coaſt, there is good anchorage for veſſels of any ſize. The ſea has made great encroachments on the town at different times, and great pains have been taken to ſecure it, by means of piles, from further damage. Nearly one hundred boats are employed in fiſhing, which carry three, four, or five men each: the ſale of mackarel and herrings is very conſiderable. In time of peace a packet ſails every week to Dieppe; and veſſels may be had at a ſhort notice for any other port of France. But as a mere fiſhing town, Brighton would ever have remained obſcure and unnoticed, had not faſhion fixed on it as an eligible ſummer retreat from the metropolis, and

and the prince of Wales made it one of his reſidences. The pavilion built by his royal highneſs, on the great public walk called the Steyne, is the chief ornament of the place; and for the accommodation of the numerous perſons of wealth and faſhion, who repair to it in ſummer, elegant buildings have been provided in every quarter, beſides aſſembly rooms, libraries, and a theatre. The reſort of company to this place rather increaſes than declines, which may perhaps in a great degree be attributed to the ſmallneſs of its diſtance from London, being by the ſhorteſt road only 54 miles. Brighton has 1424 houſes, and 7339 people.

WARWICKSHIRE

Is 50 miles in length, from north to ſouth, 35 where wideſt from eaſt to weſt, in circumference 110 miles, and its area is computed at 984 miles, or 629,760 acres. It is divided into four hundreds called Barlichway, Hemlingford, Kington and, Knightlow, beſides the county of the city of Coventry; theſe are ſubdivided into 201 pariſhes, 28 hamlets, 12 townſhips, 8 extra-parochial demeſnes, 7 villages, 6 towns, 1 liberty, and 1 chapelry, and contain 43,783 houſes, and 208,190 inhabitants.

The principal natural productions of the county are corn, malt, wool, timber, iron, coal, and cheeſe, but various manufactures, and particularly that of ſteel at Brimingham, are purſued with unbounded activity and ſucceſs.

The chief rivers are the *Avon* and the *Tame*.

From Warwickſhire 6 members are returned to parliament, 2 for the county, 2 for the city of Coventry, and 2 for the county town of Warwick.

The city of Coventry is a county within itſelf, and has juriſdiction over ſeveral circumjacent pariſhes. It is ancient, and has for ſeveral centuries been enriched by its manufactures, which are now principally ribbons, gauzes, and tammies. In the fourteenth century, it was ſurrounded with walls, the expences of which were defrayed by money ariſing from taxes on wine, malt, oxen, hogs, calves, and ſheep, conſumed in Coventry. Theſe walls were in great ſtrength and grandeur, furniſhed with thirty-two towers, and twelve gates; and continued till the 22d of July, 1661; when great part of the wall, moſt of the towers, and many of the gates, were pulled down by order of Charles II. Two parliaments have been held in this city. The firſt in 1404, by Henry IV., which was ſtyled parliamentum indoctorum, from a ſpecial injunction in the writs for calling it, prohibiting the return of any man ſkilled

in the law. The other in 1459, by Henry VI. and was called parliamentum diabolicum, by reaſon of the multitudes of attainders paſſed againſt Richard, duke of York, and his adherents. Coventry contains three pariſh churches, beſides ſeveral places of worſhip for Diſſenters, Methodiſts, and Quakers. When the cathedral was ſtanding, Coventry poſſeſſed a matchleſs group of churches, all ſtanding within one cemetery. St. Michael's is a ſpecimen of the moſt beautiful ſteeple in Europe; its exquiſite proportions were highly extolled by ſir Chriſtopher Wren. It is almoſt unneceſſary, in ſpeaking of this city, to remind the reader of the traditional narrative of the oppreſſion exerciſed by Leofric, lord of the place; of the terms which he impoſed on his wife as the price of compliance with her interceſſion; or of the fate of the too curious tailor, ſo well known by the name of Peeping Tom. Whatever may have given riſe to this account, an annual commemoration of the event is celebrated at Coventry, and the effigy of Peeping Tom, ſtill preſerved at the window which was the ſcene of his delinquency, is regularly dreſſed in new clothes for the occaſion. The corporation conſiſts of a mayor, recorder, 2 ſheriffs, 10 aldermen, 31 ſuperior and 25 inferior common-council men. The population of this city has fluctuated in a remarkable manner. Before 1549, the inhabitants were found to have been 15,000; but on the diſſolution of monaſteries, the decline of trade occaſioned a deſertion of people which reduced them to 3000. To remedy this evil, Edward VI. granted the city a charter for an additional fair. In 1644, when the inhabitants were numbered from the apprehenſion of a ſiege, they were found to amount to 9500. In 1748, and 1749, there were 2065 houſes, and 12,117 people, and the return to parliament in 1801, gave 3134 houſes, and 16,034 ſouls; but in the pariſhes which form the county of the city of Coventry, were the additional number of 1155 dwellings, and 5547 people.

Warwick, which gives its name to the county, is a very ancient town. The Romans erected in it a fort, which was deſtroyed by the Picts, and ſeveral times rebuilt. On the 5th of September, 1694, this town was almoſt burned down, by an accidental fire; but was rebuilt with free ſtone, dug on the ſpot. In its rocks are alſo made its wells and cellars; the ſtreets are ſpacious and regular, and meet in the centre of the town, which is ſerved with water by pipes, from ſprings half a mile off. Though it is populous, it has but two pariſh churches; it once had ſix, and as many monaſteries. It was protected by a ſtrong caſtle, formerly the ſeat of the earls of Warwick. This fortreſs is erected on a rock, forty feet higher than the Avon, but on the north ſide even with the town. The corporation

conſiſts

conſiſts of a mayor, a recorder, 12 aldermen or brethren, and 24 burgeſſes or common-council men. The county aſſizes and general quarter ſeſſions are held in this town. It has 1084 houſes, and 5775 inhabitants.

The remaining towns are Alceſter, Atherſton, Birmingham, Coleſhill, Henley, Kineton, Nuneaton, Poleſworth, Rugby, Southam, Stratford-upon-Avon, and Sutton Colefield.

Birmingham is a ſurpriſing and glorious inſtance of the advancement to which induſtry and ingenuity can attain, in a country bleſſed with a free conſtitution. In the year 1676, it was not even a market town; tanning of leather was the chief buſineſs carried on, but of that not a trace now remains. Before the revolution, the manufactures of Birmingham were confined to coarſe iron ware; ſhortly after that period, ſome of the inhabitants obtained a contract for furniſhing a ſupply of fire arms to government; ſoon afterwards the button and buckle trade became extenſive. Birmingham being conveniently ſituated, labour, coals, and the neceſſaries of life were cheap; and manufactories were erected on a general and extenſive ſcale. Whatever could be deemed either uſeful or ornamental, in the endleſs variety of buttons, buckles, trinkets, and jewellery, ſilver and plated wares, fire arms, caſt iron work, mill work, and in all the various branches of hard-ware, are abundantly ſupplied by Birmingham, where ſome of the moſt extenſive manufactories in the kingdom are eſtabliſhed. Inland navigations have increaſed the trade, and will ſtill augment it much more by freſh communications. The air is exceedingly pure, and, notwithſtanding the diſadvantages which muſt reſult from its cloſe population, the noxious effluvia of various metallic trades, and the continual ſmoke ariſing from the vaſt quantity of coals conſumed, it is remarked to be one of the healthieſt towns in England. The foundation being a dry reddiſh ſand, the loweſt apartments are perfectly free from damp, and hence it follows, that agues, and the numerous tribe of diſtempers, incident to moiſt ſituations, are unknown: the inſtances of longevity are ſtrikingly numerous. All means for the preſervation of health have been adopted in this great town, and particularly bathing; one of the moſt extenſive and complete ſets of baths in the kingdom being erected at Lady Well. As almoſt every artizan occupies a ſeparate houſe, they are ſpread over a great extent of ſurface, and conſequently free from the diſadvantages ſo remarkable in other great towns, where the habitations are larger, and every floor occupied by one or more families: the dwellings, however, of the merchants and principal manufacturers, are equal to thoſe of the ſame rank in any other part of the kingdom; and Birmingham boaſts of ſome ſtreets which would

even

even do honour to the capital. Birmingham has two pariſh churches, and four chapels of eaſe. Of the former, St Philip's is juſtly admired for the beauty of its architecture and ſituation. In each ſteeple is a ſet of muſical chimes, which play every three hours, and a different ſet of tunes every day in the week. The chapels are all modern handſome edifices, particularly St. Paul's. There are alſo meeting houſes for Preſbyterians, Independants, Quakers, Anabaptiſts, and Methodiſts, a Roman Catholic chapel, and a Jews' ſynagogue. There is alſo a general infirmary, handſomely built by a liberal public ſubſcription. The town contains 16,403 houſes, and 73,670 inhabitants.

Stratford-upon-Avon is a large town, containing 530 houſes, and 2418 people; it has a ſtone bridge over the river with which its name is connected, and a conſiderable trade in grain and malt; but it is chiefly noticed as the birth place of Shakſpeare that immortal poet, who has fixed the taſte of the country, and by the models he has ſupplied, founded the peculiar character of the Britiſh drama. In the church is a handſome monument to his memory, and in the year 1769, the town was the ſcene of a ſplendid feſtival called a jubilee, celebrated in honour of this great man, by Mr. Garrick, who had gained the higheſt renown by repreſenting his principal characters.

South of Kineton, in this county, is a valley, called the vale of the red horſe, from the rude figure of a horſe cut out upon a red ſoil on the ſide of a hill, and ſuppoſed, like the white horſe in Berkſhire, to have been a Saxon monument. The trenches which form this figure, are trimmed and kept clean by a freeholder in the neighbourhood, who enjoys his lands by that ſervice.

King's Newnham, near Rugby, is remarkable for three medicinal ſprings, the water of which is ſtrongly impregnated with alum, of a milky colour, and reckoned a good medicine for the ſtone. It is obſerved of this water, that being drunk with ſalt, it is aperient, but with ſugar, reſtringent.

WESTMORELAND

Is about 40 miles in length, 24 in breadth, nearly 120 in circumference, and in its area 722 miles, or 462,080 acres. The cuſtomary diviſion into hundreds, rapes, or wapentakes, was not adopted in this county, on account, as is alleged, of the duty that is impoſed on the inhabitants of performing border ſervice, in conſideration of which they were exempt from the payment of ſubſidies. The great diviſions of the county are

2 baronies, called Weſtmoreland, and Kendal, which form 4 wards, denominated Eaſt Ward, Kendal Ward, Lonſdale Ward, and Weſt Ward. In this county are 85 townſhips, 20 pariſhes, 3 towns, 8,212 habitations, and 41,61- people.

The air is cold, but wholeſome; the hills are generally barren and moory, chiefly affording paſture for ſheep; the vallies are fertile in corn. The barony of Weſtmoreland, which comprehends the north part of the county, is an open champaign country, 20 miles long, and 14 broad, conſiſting of arable land, and producing great plenty of corn and graſs. That of Kendal, which comprehends the ſouth part of the county, is very mountainous; the vallies, however, are fruitful, and even the mountains yield paſture for ſheep and cattle. There are ſeveral foreſts and parks, and both baronies afford great plenty of wood. The mountains alſo produce plenty of grouſe, or moor game, abound with rivulets, which water the vallies, and yield a great fund of minerals, lead and coal, copper and oker, and ſilver band, or fell ſilver; and, in the weſtern fells, is found fine blue ſlate, which ſupplies ſeveral parts of the kingdom, not to mention ſpars and imitations of diamonds, coralloids, foſſils, and marbles.

The rivers of this county are but ſmall, and only three carry their names to the ſea, the *Eden*, *Lure*, and *Ken*. In the hollows among the mountains are found divers large lakes, having ſmall rivulets running through them, which preſerve the water clear, as the lakes have commonly a pebbly or rocky bottom. All theſe bodies of water abound in trout, eel, baſs, perch, tench, roach, pike, char, and divers other ſpecies of fiſh. The lake called Winander Mere is eſteemed one of the largeſt in England, and adorned with every beauty of nature.

The earl of Thanet is hereditary ſheriff of the county.

Four members, 2 being knights of the ſhire, and 2 burgeſſes of Appleby, repreſent this county in parliament.

Appleby is the county town; its corporation conſiſts of a mayor, recorder, 12 aldermen, 2 bailiffs, and 16 capital burgeſſes. Its houſes are 121, in which are 711 ſouls.

Kendal, or Kirkby Kendal, the moſt conſiderable town in the county, is ſituated in a valley ſurrounded with hills, on the river Ken; and celebrated for its manufactures, the principal of which are cottons, coarſe woollens, knit worſted ſtockings, fiſh hooks, &c. It is governed by a mayor, aldermen, and burgeſſes. It contains 1424 houſes, and 6892 inhabitants.

The other towns are Ambleſide, Brough, Burton, Kirkby Lonſdale, Kirkby Stephen, Milthorp, Orton, Sedbergh, and Shap.

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The only natural curioſity of this county beſide the lakes is a petrifying ſpring, called the Dripping Well, in Betham Park near Burton.

WILTSHIRE.

THE name of this county is derived from Wilton, now a borough, but formerly its chief town. It is 54 miles in length, 34 in its greateſt breadth, in circumference 140, and in its area 1283 miles, or 821,120 acres. It is divided into 28 hundreds, called Alderbury, Ameſbury, Bradford, Branch and Dole, Calne, Cawden and Cadſworth, Chalk, Chippenham, Damerham North and South, Downton, Dunworth, Elſtubb and Everley, Fruſtfield, Heitſbury, Highworth Cricklade and Staple, Kingſbridge, Kinwardſtone, Malmſbury, Mere, Melkſham, Pottern and Cannings, Ramſbury, Selkley, Swanborough, Underditch, Warminſter, Weſtbury, and Whorwelſdown. In theſe are 277 pariſhes, 27 tythings, 17 townſhips, 17 villages, 8 towns, 4 extra-parochial juriſdictions, 3 liberties, and 1 chapelry. The houſes are 20,589, the inhabitants 185,107.

Wiltſhire is generally conſidered as forming two diviſions, called North and South Wiltſhire. The northern part abounds with pleaſant riſings and clear ſtreams, forming a variety of delightful proſpects; the ſouthern part is very rich and fruitful, and the middle called Saliſbury Plain, from the city of Saliſbury in its neighbourhood, conſiſts chiefly of downs, which afford the beſt paſture for ſheep. The ſoil of the hills and downs in general is chalk and clay, but the vallies between them abound with corn fields and rich meadows, and here are made great quantities of as good cheeſe as any in England. Wilts was once a well wooded county, and, at a recent period, wood was the principal fuel in farm houſes and villages; but the general introduction of pit-coal has decreaſed the conſumption, and in ſome degree leſſened the attention to its preſervation. The ſorts of timber moſt natural to the county, are oak, aſh, and elm.

The manufactures are conſiderable, but the woollen is by far the moſt general.

The principal rivers are the *Iſis*, the *Kennet*, the *Avon*, the *Stoure*, the *Willey*, the *Deverell*, the *Bourne*, and the *Nadder*.

Wiltſhire ſends to parliament 34 members, being two for each of the following places, the County, the city of Saliſbury, or New Sarum, Wilton, Downton, Hinton, Heyteſbury, Weſtbury, Calne, Devizes, Chippenham, Malmſbury, Cricklade, Great Bedwin, Lugerſhall, Old Sarum, Wooten Baſſet, and Marlborough.

Saliſbury or New Sarum, ſo called becauſe its foundation is owing to the removal of the clergy, and ſubſequently of the population in general from Old Sarum, is a large well built, pleaſant city. Beſides the manufacture of flannels, druggets, and the cloths in particular, called Saliſbury Whites, for the Turkey trade, here is a conſiderable trade for bone lace and cutlery. In Saliſbury is a handſome court-houſe, and a croſs of conſiderable antiquity, but the great ornament of the city is its Cathedral which was completed in 1258. This beautiful ſtructure is deſcribed and criticiſed by Sir Chriſtopher Wren, in the following terms. "The whole pile is large and magnificent, and may be juſtly accounted one of the beſt patterns of architecture of the age wherein it was built. The figure of it is a croſs, upon the interſection of which ſtands a tower, and a ſteeple of ſtone, as high from the foundation as the whole length of the nave, and is founded upon four pillars and arches of the interſection. Between the ſteeple and the eaſt-end, is another croſſing of the nave, which on the weſt-ſide only has no aiſles: the main body is ſupported on pillars with aiſles annexed, and buttreſſes without the aiſles, from whence ariſe bowes, or flying buttreſſes to the walls of the nave; which are concealed within the timber roof of the aiſles. The roof is almoſt as ſharp as an equilateral triangle, made of ſmall timber after the ancient manner, without principal rafters. The whole church is vaulted with chalk between the arches and croſs ſpringers only, after the ancient manner, without orbs and tracery; excepting under the tower, where the ſpringers divide, and repreſent a ſort of tracery; and this appears to me to have been a later work, and to have been done by ſome later hand than that of the firſt architect, whoſe judgment I muſt juſtly commend for many things beyond what I find in divers Gothic fabrics of later date, which though more elaborated with nice and ſmall works, yet want the natural beauty that ariſes from proportion of the firſt dimenſions. For here the breadth to the height of the naves, and both to the ſhape of the aiſles, bear a good proportion: the pillars and the intercolumniations (or ſpaces betwixt pillar and pillar) are well ſuited to the heights of the arches. The mouldings are decently mixed with large planes, without an affectation of filling every corner with ornaments, which, unleſs they are admirably good, glut the eye, as much as in muſic too much diviſion cloys the ear. The windows are not made too great, nor yet the light obſtructed with many mullions and tranſoms, of tracery work, which was the ill faſhion of the next following age; our artiſt knew better, that nothing could add beauty to light: he truſted in a ſtately and rich plainneſs

which

which his marble ſhafts gave to his work; I cannot call them pillars, becauſe they are ſo long and ſlender, and generally bear nothing, but are added only for ornament to the outſide of the great pillars, and decently faſtened with braſs. Theſe pillars ſhow much greater than they are, for the ſhafts of marble that encompaſs them, ſeem to fill out the pillar to a proportionable bulk; but indeed they bear little or nothing, and ſome of them that are preſſed, break and ſpilt; but this is no way ſo enormous as under the ſteeple, which being 400 feet high, is borne by four pillars; and therefore, out of fear to overburthen them, the inſide of the tower, for 40 feet high above the nave, is made with a ſlender hollow work of pillars and arches; nor hath it any buttreſſes; the ſpire itſelf is but nine inches thick, though the height be above 150 feet. Almoſt all the cathedrals of the Gothic form are weak and defective in the poiſe of the vault of the aiſles: as for the vaults of the nave, they are on both ſides equally ſupported and propped up from ſpreading, by the bowes or flying buttreſſes, which riſe from the outward walls of the aiſles. But for the vaults of the aiſles, they are indeed ſupported on the outſide by the buttreſſes, but inwardly they have no other ſtay but the pillars themſelves, which as they are uſually proportioned, if they ſtood alone, without the weight above, could not reſiſt the ſpreading of the aiſles one minute; true indeed, the great load above of the walls and vaulting of the nave, ſhould ſeem to confine the pillars in their perpendicular ſtation, that there ſhould be no need of abutment inward; but experience has ſhewn the contrary, and there is ſcarce any Gothic cathedral that I have ſeen at home and abroad, wherein I have not obſerved the pillars to yield and bend inwards from the weight of the vault of the aiſle." The choir has been lately much improved and beautified under the care of Mr. Wyatt. The number of windows, pillars and gates is deſcribed in the following lines:

Mira canam, ſoles quot continet annus, in una,
Tam numeroſa ferunt, æde, feneſtra micat:
Marmoreaſque capit fulas tot ab arte columnas,
Conprenſas horas quot vagus annus habet.
Totque patent portæ quot menſibus annus abundat,
Res mira, at vera res celebrata fide.

The Chapter Houſe is a moſt curious piece of ancient architecture, and the cloſe is ſingularly ſpacious, airy and handſome. The corporation of Saliſbury conſiſts of a mayor, recorder, deputy recorder, 24 aldermen, (ten of whom beſides the laſt mayor and recorder are juſtices of the peace,) 30

aſſiſtants, a chamberlain, and town clerk. The houſes are 1534, the inhabitants 7668.

Of the city of Old Sarum nothing remains but the ruins, which have a very auguſt appearance. Its origin cannot be traced with certainty through the obſcurity of far diſtant ages. The general appearance of the remains is thus deſcribed. "This ancient fortreſs ſeems to have been formed on the extreme end or termination of a hill, which commands an extenſive proſpect: from this it was ſeparated by the removal of vaſt quantities of earth, and thereby reduced to the circular figure it now is. The whole work occupies a ſpace of near 2000 feet diameter: but the ancient city ſtood to the ſouth-weſt of the caſtle, and, as it were, under its ramparts. The caſtle was fortified by a deep entrenchment, with a very ſtrong wall upon its inner ramparts, conſiſting of flint, chalk, and rubble, caſed on the outſide with hewn ſtone, as may be ſeen by a part ſtill remaining towards the north. It had two entrances, the principal towards the ſouth-eaſt, guarded by a mole without, but ſo near it, as to admit but of a very narrow paſſage. The outer was to the ſouth-weſt, for bringing water to the garriſon from the river Avon, which runs through the vale below, at the diſtance of about half a mile. Near, and towards the north of this laſt mentioned entrance, are ſeen part of the foundations of the old church; likewiſe the traces of many other buildings, which very probably were the habitations of the biſhop and clergy. This large ſpace was divided into parts by entrenchments, with ramparts thrown up. At the centre of the large area, bounded by the preceding entrenchment, there is another encloſure, guarded with a deep entrenchment and very high rampart inwards, having upon its ſummit the viſible traces of a wall, with the remains of a portal towards the ſouth-eaſt, and of a watch tower towards the north-weſt, which may, therefore, be reckoned the citadel. Here alſo are diſcovered the foundations of ruined ſtructures. From the ſaid watch tower, which overlooks the church, and that quarter inhabited by the clergy, we need not doubt but the ſoldiers were more immediately troubleſome, by the frequent inſults, riots, and irregularities they committed; which added to the other inconveniences of the place, were the reaſons for the Pope granting his bull for tranſlating the church to a more commodious ſituation." Not far ſouthward from the old watch tower, a remarkable ſubterraneous paſſage was lately diſcovered. The earth and timber by which the mouth of it was before concealed, having been looſened by the thawing of a deep ſnow, the whole ſuddenly fell in, diſcloſing a vault (cut in the ſolid chalk) that extends from the edge of the outer

area

area of the caſtle to the depth of more than forty yards, and runs nearly parallel to the declivity on the outſide. Towards the bottom there are traces of ſteps, which might probably continue ſtill further than the preſent termination of the paſſage, though whether the latter was intended for a ſally port, or whether it conducted to ſome ſubterraneous apartment, it is difficult to determine. It is poſſible that the original deſign of it might never have been completed, for the ſtoppage ſeems occaſioned by ſomething more than mere rubbiſh. Nearly on the oppoſite ſide of the caſtle, is a ſimilar ſinking in the ground, contiguous to the ditch; and one cannot doubt that a cavity for the ſame purpoſe, as the other was cut in this correſponding part of the works. Roman coins, particularly of the latter Emperors, have alſo at different times been dug up here.

The town of Devizes is of great antiquity; containing two churches and a chapel, beſides a place of worſhip for diſſenters. The Romans incloſed it with a vallum and ditch; in the laſt of which the inhabitants have made a road almoſt round the town; but in ſeveral places both the ditch and the vallum are ſtill viſible, and took in the caſtle, which was originally a Roman work, erected in a fine ſituation, where it was fortified by nature. In aftertimes it was made almoſt impregnable, by Roger, biſhop of Saliſbury, though it is now nearly deſtroyed. Many Roman coins of different Emperors have been found in the neighbourhood of Devizes, together with pots and other earthen veſſels, ſuppoſed to be Roman. Juſt without the town, in a pleaſant plain called the Green, a large urn full of Roman coins was diſcovered in the year 1714; and near the ſame place were found buried, under the ruins of an ancient building incloſed with Roman brick, ſeveral braſs ſtatues of heathen deities, ſuppoſed to have been depoſited there about the year 234, when the Roman troops were called out of Britain. Theſe were carried about the kingdom as a ſhow, and conſiſted of a Jupiter Ammon, about four inches long, weighing ſomewhat above four ounces: Neptune with his trident, the prongs of which were much ſhorter than they are uſually repreſented; this figure was about four inches in length, and weighed four ounces: a Bacchus much of the ſame weight and dimenſions: a Vulcan, ſomewhat leſs than any of the above figures: a Venus, about ſix inches in length, with the left arm broken off, but much the beſt finiſhed of any in the collection: a Pallas, with her helmet, ſhield, and ſpear, between three and four inches in length: a Hercules, about four inches long, weighing ſix ounces and a half, beſides theſe, there were a Mercury, the wolf with Romulus and Remus, a veſtal Virgin, ſome Egyptian deities, and a coin of the emperor

Alexander Severus. Very conſiderable manufactures are carried on here, particularly of ſerges, kerſeymeres, and broad cloth. In the market place is erected a ſtone and inſcription purporting it to be a memorial of Divine vengeance, inflicted on an unhappy woman who called God to witneſs a falſehood. The corporation conſiſts of a mayor, recorder, 10 magiſtrates, and 24 common-council men, who have liberty of making burgeſſes. The houſes are 1593, the inhabitants 7909.

The other towns in Wiltſhire are Auburn, Ambreſbury, Bradford Corſham, Highworth, Melkſham, Mere, Swindon, Trowbridge and Warminſter.

Roman remains, as camps, roads, and coins, are frequent in many parts of the county, but the curioſity which moſt engages attention is, that ſtupendous pile called Stonehenge. Without attempting to inveſtigate the origin or antiquity of this wonderful ſtructure, it will ſuffice in this work to tranſcribe the accounts of it, which are given by two accurate and learned obſervers. "Within a trench about thirty feet broad and on a riſing ground," ſays Inigo Jones, "are placed huge ſtones in three circles, one within another, in the figure of a crown; from the plain it has three entrances, the moſt conſiderable lying north-eaſt; on each of which were raiſed, on the outſide of the trench, two ſtones gatewiſe; parallel whereunto, on the inſide, were two others of leſs proportion. The outward circle is about 100 feet diameter; the ſtones of it very large, four yards in height, two in breadth, and one in thickneſs. Two yards and a half within this circle, is a range of leſſer ſtones. Three yards further is the principal part of the work called the cell, of an irregular figure, made up of two rows of ſtones; the upright ones in height are twenty feet, in breadth ſix feet, and in thickneſs three feet; theſe are coupled to the top by large tranſom ſtones, like architraves, which are ſeven feet long, and about three feet and a half thick. Within this, was alſo another range of leſſer pyramidal ſtones of about ſix feet in height. And in the inmoſt part of the cell, was a ſtone lying towards the eaſt, which meaſured four feet broad, and ſixteen long, ſuppoſed to be the altar ſtone. Dr. Stukeley ſays, "Take a ſtaff ten feet, four inches, and three quarters long, and divide into ſix equal parts; theſe are palms, the original meaſure. The founder's intention was to form a circle, whoſe diameter was to be ſixty cubits; accordingly, each ſtone was to be four cubits broad, and each interval two cubits. Now thirty times four cubits is twice ſixty, and thirty times two cubits is ſixty; ſo that thrice ſixty cubits completes a circle, whoſe diameter is ſixty cubits; thus a ſtone and an interval, in the outward circle, make three ſquares; two

allotted

allotted to the ſtone, one to the interval. This general deſign may be ſeen in the ſeven ſtones, now remaining at the grand entrance. The ſtones of the outward circle are four cubits broad, two thick, and nine high; on the top of every two of them are placed headſtones, as impoſts or cornices; theſe impoſts are ſix cubits long, two broad, and one and a half high; the uprights diminiſh a little every way, ſo as at the top to be but three cubits and a half broad, whereby the impoſts project over the uprights, both within and without. In its perfection, the outward circle conſiſted of ſixty ſtones, viz. thirty uprights and thirty impoſts; of theſe ſeventeen uprights are left ſtanding, eleven contiguous to the grand entrance, and five impoſts upon them; another upright leans on a ſtone of the inner circle; there are ſix more lying on the ground, whole or in pieces; there is but one impoſt more in its proper place, and but two more lying on the ground; ſo that twenty-two are carried away by rude and ſacrilegious hands. Five cubits inward, there is another circle of leſſer ſtones. The ſtones of this circle are truly parellelograms; their proportion is two cubits broad, one thick, and four and a half high, and were forty in number: nineteen only are left, eleven of which ſtand in ſitu. The walk between theſe two circles is three hundred paces in circumference. Having paſſed the ſecond circle, you behold the cell, or aditum, which is an elipſis: it is compoſed of trilithons, two uprights, and one impoſt: they are five in number, and ſtill remain. Each trilithon ſtands independent of its number; they alſo diminiſh to the top, which takes off from their weight. The tenons, or mortoiſes, are particularly formed, being about ten inches and a half diameter, and reſembling half an egg rather than an hemiſphere, and ſo, effectually, keep both uprights and impoſts from luxation. The whole number of ſtones is thus computed. The great oval conſiſted of ten uprights; the inner with the altar, of twenty; the great circle of thirty; the inner of forty: theſe with five impoſts of the great oval, thirty of the great circle, and ſome more broken and ſcattered, completed the temple, making in all one hundred and forty ſtones."

WORCESTERSHIRE.

THE form of this county is very irregular; and it is remarkable for having ſeveral detached portions diſperſed in the neighbouring counties; a conſequence probably, of its having no natural boundaries. Its meaſurements, on this account, cannot be accurately ſtated, but the greateſt length may be nearly

30 miles, the breadth 20, and its area is computed at 674 miles, or 431,360 acres. It is divided into five hundreds called Blackenhurſt, Doddingtree, Halfſhire, Oſwaldſlow, and Perſhore. Theſe contain 175 pariſhes, 18 hamlets, 14 townſhips, 8 villages, 5 towns, 4 chapelries, 1 liberty, and 1 extra-parochial juriſdiction. The houſes are 27,820, the people 139,333.

The principal rivers are the *Severn*, which paſſes through a rich vale in its whole length, the *Terne*, the *Avon*, the *Stour*, and the *Arrow*. Beſides the vale in which the Severn flows, is another called the vale of Eveſham, on the banks of the Avon, which ſtream flows along the ſouth eaſtern parts of the county, in its courſe to meet the Severn. In this vale, the uſual objects of agriculture abound, and garden ſtuff is cultivated in great quantities for the ſupply of neighbouring, and even diſtant towns. The products of Worceſterſhire are corn, cattle, fine wool, hops, cyder and perry; the latter eſpecially, is in great reputation. Fine white ſalt is made from the brine ſprings at Droitwich, and ſent to Briſtol and other places. The Severn in this county and Glouceſterſhire abounds with lampreys, which by ſome are much valued as a delicacy.

In the Malvern hills, a ſpring riſes of uncommon purity, which is much reſorted to in ſcrophulous and ſcorbutic caſes.

Worceſterſhire ſends nine members to the Houſe of Commons, two knights of the ſhire, two citizens for Worceſter, two burgeſſes, each for Droitwich and Eveſham, and one for Bewdley.

The city of Worceſter is ſituated on the river Severn, over which a new bridge has been built. In the year 1041, it was ſacked and burnt by Hardicanute the Dane, who put all the inhabitants to the ſword, except thoſe who ſaved themſelves in an iſland in the Severn, becauſe the citizens had killed the officer appointed to collect the tax called Danegelt: it however ſoon after recovered, and in Edward the Confeſſor's reign, had many burgeſſes and a mint. In the year 1113, an accidental fire conſumed the caſtle, and much damaged the cathedral. In the wars which happened in the reign of Stephen, it was more than once ſet on fire, but chiefly ſuffered when taken by Stephen from the earl of Mellent. In the cathedral is the tomb of King John, ſuppoſed to be the oldeſt royal monument remaining in England; he was buried in the choir, between two biſhops. Near this city, in the year 1651, a battle was fought between Charles II. and Cromwell, which proved a deciſive blow to royalty. Charles, after beholding the ruin of his cauſe, and giving many proofs of perſonal valour, was obliged

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to have recourſe to flight. The duke of Hamilton who made a deſperate reſiſtance was mortally wounded, and the Scots were almoſt all either killed or taken. The priſoners, to the number of 8000, were treated with great cruelty, and ſold as ſlaves to the American planters. The principal manufacture of Worceſter is that of gloves, with one of elegant china ware. Worceſter is a county of itſelf; and by charter of James I., its corporation conſiſts of a mayor, recorder, ſheriff, 6 aldermen, 24 common-council men, and 48 aſſiſtants. It contains 2370 houſes, and 11,352 inhabitants.

The remaining towns in Worceſterſhire are Dudley, Kidderminſter, Perſhore, Shipſton, Stourbridge, Tenbury and Upton. Of theſe the moſt conſiderable is Kidderminſter, which is celebrated for the manufacture of carpets, poplins, crapes, and bombazeens. It has 1295 houſes, and 6110 inhabitants.

YORKSHIRE

Is by far the largeſt county in England, being 360 miles in circumference, in its area 6013 miles, or 3,848,320 acres, and having 174,857 houſes, and 858,892 inhabitants. It is always divided into 3 great diſtricts called ridings, which are denominated from their poſition, the Weſt, North, and Eaſt Ridings, and it will be moſt commodious to treat of each ſeparately.

THE WEST-RIDING

Is the moſt conſiderable of the three for fertility, and number of inhabitants. It is bounded on the north by the North-Riding, on the eaſt by the Ouſe, on the ſouth by the counties of Nottingham, and Derby, and on the Weſt by Lancaſhire, Cheſhire, and Weſtmoreland. This Riding is ſituated nearly in the centre of the kingdom, and, though an inland diſtrict, is watered by numerous rivers and navigable canals, it is about 95 miles in length, and 48 in breadth, and in area 2633 miles, or 1,685,120 acres. It is divided into 9 Wapentakes, called Aybrigg, Barkſton-Aſh, Claro, Morley, Oſgoldnefs, Skyrack, Staincliffe, Staincroſs and Strafforth, and Tickhill, which form 550 townſhips, 62 pariſhes, 13 towns, 3 extra-parochial places, and 1 village, and contain 115,896 houſes, and 563,953 people.

The air in the Weſt-Riding is ſharper, but more healthy, than in either of the two other Ridings. The ſoil on the weſtern ſide of this diviſion is hilly and ſtony, and conſequently not very fruitful, but the intermediate vallies afford plenty of good meadow

meadow and paſture ground; and on the ſide of this Riding, next the river Ouſe, the ſoil is rich, producing wheat and barley, though not in ſuch abundance as oats, which are cultivated with ſucceſs in the moſt barren parts of the diſtrict. The Weſt-Riding is famous for fine horſes, goats and other cattle; and it has ſome native trees, which are ſeldom found wild in any other part of England, particularly the fir, the yew, and the cheſnut; it abounds with parks and chaces; and mines of pit-coal and jet. At Tadcaſter is a lime-quarry; and at Sherborn, a ſort of ſtone is dug up, which is ſoft when newly taken out of the ground, but when expoſed to the weather, becomes very hard and durable. In many parts of this Riding, are mines of ſtone, which, after being calcined, and otherwiſe prepared, is made into alum. The riches of this part of the county ariſe from the extenſive woollen and other manufactures carried on in many of the towns, for which no place can be more conveniently ſituated, the raw materials being abundant, coals plentiful and cheap; and the woodland ſupplying oak, and aſh, to the manufacturing towns, and for exportation.

Its principle rivers are the *Ouſe*, the *Don*, the *Calder*, the *Aire*, and the *Wharfe*.

This Riding contains 28 towns: Aldborough, Barneſley, Bawtry, Boroughbridge, Bradford, Doncaſter, Gilburn, Halifax, Huddersfield, Keighley, Knareſborough, Leeds, Otley, Pontefract, Ripley, Ripon, Rotherham, Selby, Sekle, Sheffield, Sherborn, Skipton, Snaith, Tadcaſter, Thorn, Tickhill, Wakefield, and Wetherby.

Doncaſter, ſituated on the river Don, is a handſome town with conſiderable woollen manufactures, and contains 1435 houſes, and 6736 inhabitants; it is celebrated for the horſe races which are run in the neighbourhood.

Halifax, ſeated on a branch of the river Calder, ſtands on a barren ſoil, and in a mountainous country. In its townſhip and pariſh are many rivulets, favourable to trade, and affording eligible ſituations for mills, for the woollen and other manufactures. The woollen manufacture has been long eſtabliſhed in this pariſh, and appears to have been very peculiarly foſtered and protected in early times, as the town had the grant of a criminal juriſdiction within itſelf, for the trial by jury, and execution by decollation of offenders, found guilty of theft to the value of thirteen pence halfpenny. For the convenience of trade, the manufacturers have erected an elegant edifice, called the Piece Hall, or Manufacturers Hall. It is in the form of an oblong ſquare, occupying 10,000 ſquare yards, and containing 315 diſtinct rooms for the lodgment of goods. It

is open for ſale once only in every week, from ten o'clock till noon. The form of this building is well adapted to its uſe, and unites elegance, convenience, and ſecurity. The principal articles of manufacture are ſhalloons, (of which conſiderable quantities are ſent to Turkey, and the Levant,) tammies, duroys, callimancoes, everlaſtings, ruſſels, figured and flowered amens, denims, ſays, moreens, and ſhags; alſo kerſeys, half-thicks, ſerges, houlies, baizes, narrow and broad cloths, coatings, and carpets. Here are alſo erected many mills for the cotton manufacture, which is rapidly increaſing. This pariſh is eſteemed the largeſt in England; it is upwards of ſixteen miles long, and from ſix to eight broad. The church is old but ſtately and venerable, and has in it many extraordinary monuments, of great antiquity. The vicar is a juſtice of peace. In Halifax are 1975 houſes, and 8886 people.

Huthersfield has a conſiderable ſhare in the cloathing trade; it contains 1399 dwellings, and 7268 ſouls. At Kirklees, about three miles diſtant, is a funeral monument erected in memory of the celebrated out-law Robin Hood, with an inſcription in rhyme.

Leeds is ſituated on the river Aire, and on the the great canal, which is navigable from Liverpool. Although one of the largeſt and moſt flouriſhing towns in the county, it had but one church till the reign of Charles I. It now contains three, a Preſbyterian meeting houſe erected in 1691, called the New Chapel, which is the moſt ſtately, if not the oldeſt, of that denomination in the north of England; and in the town and its ſuburbs ſeveral others. The antiquity of Leeds is very great, but it was not incorporated till the reign of Charles I. Its manufacture and trade are principally in cloth, the market for which is not, perhaps, to be equalled in the world. There are two ſpacious halls for the accommodation of the clothiers, and a third, where worſted goods are expoſed to ſale. At about ſix o'clock in the ſummer, and ſeven in the winter, the market bell rings; upon which, in a very few minutes without hurry, noiſe or the leaſt diſorder, the whole market is filled, all the benches covered with cloth, as cloſe to one another as the pieces can lie longways, each proprietor ſtanding behind his own piece. As ſoon as the bell has ceaſed ringing, the factors, and buyers of all ſorts enter the hall, and walk up and down between the rows, as their occaſions direct. When they have pitched upon their cloth, they lean over to the clothier, and by a whiſper, in the feweſt words imaginable, the price is ſtated; one aſks, the other bids, and they agree or diſagree in a moment. In a little more than an hour all the buſineſs is done, ten or twenty thouſand pounds worth of cloth, and

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ſometimes much more, are bought and ſold with a whiſper only; the laws of the market here being more ſtrictly obſerved than at any place in England. On account of the trade, the rivers Aire and Calder were made navigable, at the expence of ſeveral private merchants, without calling in the aſſiſtance of the nobility and gentry. By theſe means a communication was opened from Leeds, and Wakefield, to York and Hull; ſo that all the woollen manufactures exported are carried by water to Hull. Since the opening of the above navigation, the carriage of coals from Wakefield and Leeds, has become a conſiderable ſource of commerce. They are tranſported to the Ouſe, and then either got up that river to York, or down to the Humber, where the Trent and Ouſe meet, and which in a few miles falls into the ſea. In this paſſage ſeveral large towns are advantageouſly ſupplied with coal. Leeds has 11,599 houſes, and 53,162 inhabitants.

Sheffield has been noted ſeveral hundred years for cutlers' and ſmiths' manufactures, particularly files, and knives, or whittles; for the laſt of which, eſpecially, it has been a ſtaple more than three hundred years; and it is reputed to excel Birmingham in theſe wares, though it yields the pre-eminence in locks, hinges, nails, and poliſhed ſteel. The firſt mills in England for turning grind-ſtones were ſet up at Sheffield. In this town are about 600 maſter cutlers, incorporated by the ſtile of the cutlers of Hallamſhire, and employing not leſs than 40,000 perſons in the iron manufactures. Each maſter gives a particular ſtamp to his own wares. By means of the river Dun, which is navigable within two or three miles of the town, it receives iron from Hull, and conveys thither its manufactures for exportation to America, the Weſt Indies, and various parts of Europe. Its neighbourhood, as well as all this part of the country, abounds with coals. There are alſo at Sheffield lead works, and a ſilk mill, and its manufactories extend ſeveral miles over the country. Sheffield contains 7,161 dwellings and 31,314 people.

The North-Riding

Is bounded by the county of Durham on the north, the German Sea on the north-eaſt, the Eaſt-Riding on the ſouth-eaſt, the Weſt-Riding on the ſouth, and the county of Weſtmoreland on the weſt. The length of the Riding, from eaſt to weſt, is 83 miles, the breadth, from north to ſouth, 47 miles, and it contains 2112 miles, or 1,351,680 acres. The whole Riding may be divided into the following diſtricts; the Coaſt, Cleveland, the Vale of York, with the Howardian Hills, Ryedale, with Eaſt and Weſt Marſhes,

Marſhes, and the Eaſtern and Weſtern Moorlands. It is divided into 10 Wapentakes, and 1 liberty called Allerton Shire, Birdforth, Bulmer, Gilling Eaſt, Gilling Weſt, Hallikeld, Hang Eaſt, Hang Weſt, Langbrough Liberty, Pickering, Rydall, and Whitby Strand Liberty, which form 469 townſhips, 46 pariſhes, 2 towns, 2 villages, 2 hamlets, and 1 extra-parochial place, and contain 22,526 houſes, and 155,506 people. The diſtrict deſcribed by the term Coaſt, comprehends the land lying between the Eaſtern Moors and the ocean. It is hilly, bold, and bleak, but in ſome of the vales which are ſheltered from the weſterly winds and the ſea, corn ripens well. The hills along the coaſt abound with alum ſhale, and works for perfecting this mineral are carried on in ſeveral parts of it. The fertile diſtrict of Cleveland lies on the north-weſt ſide of the Eaſtern Moors; being divided by a range of cliffs, from which probably it derives its name: it is lightly featured with hills, and has few fields, except near the ſea, which have not a gentle ſlope. The climate is cold; but the ſoil is rendered dry and ſtiff by culture, which alſo brings forward the harveſt to the time of warmer climates. The Vale of York is extenſive, the ſoil and fertility variable. In the Howardian hills the climate is cold, and the corn late in ripening. The ſurface of the lower parts of Ryedale is very flat, and a large proportion of it liable to be flooded; the climate is mild and particularly favourable to the production of crops. The Eaſtern Moorlands are a wild and extenſive tract of mountains, which occupy a ſpace of about thirty miles by fifteen, penetrated by a number of fertile cultivated dales. The great elevation of theſe moors, renders the climate extremely cold and bleak, which will always be a bar to their improvement. The ſurface of ſome of the higher hills is entirely covered with large free-ſtones; on others, large beds of peat, (which in many places are very deep, frequently not to be paſſed, and never without danger,) extend themſelves to a great diſtance. The minerals are coals and alum: the firſt of but an ordinary quality, and thin in the ſeam; the laſt of great thickneſs, and inexhauſtible. The climate is colder than in the country ſurrounding this diſtrict, yet corn will ripen very well where ſown in a good aſpect. The Weſtern Moorlands are a part of the long range of mountains, which extend northward from Staffordſhire, through Derbyſhire, Yorkſhire, Lancaſhire, Weſtmoreland, and Cumberland, into Scotland: that part of it which lies within the North-Riding, differs materially from the Eaſtern Moorlands; inſtead of black heath, many of the mountains are covered with a fine ſweet graſs, others with extenſive tracts of bent; ſome produce heath, but it is moſtly mixed with a large portion of

graſs, bent, or ruſhes. In the lower part of theſe moors is ſome fine loamy ſoil, in many places a ſtiff loam upon blue lime-ſtone. The hills covered with graſs, conſiſt, with ſcarcely any exception, of lime-ſtone. There are many lead-mines upon theſe moors, ſome of which have been, and ſtill are, very valuable. Coals are alſo obtained; they are not good. The quantity of woodland in this part of the county is eſtimated at 25,500 acres.

The principal rivers are the *Ouſe*, the *Derwent*, the *Swale*, the *Foſs*, and the *Eſk*.

This Riding contains 19 towns, namely Aſkrigg, Bedale, Eaſingwould, Giſborough, Hawes, Helmſley-blackmoor, Kirby-moorſide, Malton, Maſham, Middleham, Northallerton, Pickering, Reethe, Richmond, Scarborough, Stokeſley, Thirſk, Whitby, and Yarm.

Scarborough is ſituated on a rocky and almoſt inacceſſible cliff. The quay is very convenient, and the harbour reckoned the beſt between Newcaſtle and the Humber. King Henry II. erected a caſtle here, to which Piers Gaveſtone, the favourite of Edward II. retired from the reſentment of the nobility, but he was compelled to ſurrender. Herrings are taken here in great numbers, from the middle of Auguſt to November; with which and cod, makarel, turbots, and variety of other fiſh, they ſupply the city of York. The drying, pickling, and ſale of the herrings is a great advantage to the inhabitants. The wealth of this town muſt chiefly be aſcribed to the numbers of people of all ranks, who flock hither in the hotteſt months of the year, to drink its waters, which are purgative and diuretic. The top of the high cliff, ſouth of the town of Scarborough, at the bottom of which is this ſpa, was fifty-four yards above high water mark, till the 29th of December, 1737, when part of the cliff, containing above an acre of paſture land, ſunk, by degrees, for ſeveral hours, with cattle feeding on it, and, at length, ſettled about ſeventeen yards below its former perpendicular height. By the preſſure of ſuch a weight, computed at no leſs than 561,360 tons, the ſandy ground beyond the cliffs towards the ſea, where the wells were, roſe for about one hundred yards in length, twenty feet above its former level; the ſpa, and the buildings around it, being on the ground that was thus elevated, the water entirely failed; but on a diligent ſearch the ſpa was recovered; and the water, upon trial, ſeemed rather to be more efficacious than before. The corporation conſiſts of 2 bailiffs, and 36 burgeſſes; the houſes, including the ſuburb of Talgrove, are 1665, the inhabitants 6688.

Whitby is ſituated at the mouth of the Eſk, on the German Sea.

Sea. It is a tide haven, and almoſt dry at low water. The harbour is convenient, and in the reign of Queen Anne the pier was rebuilt, and repaired by act of parliament. Some of the beſt and ſtrongeſt veſſels employed in the coal trade, are built here, and ſeveral are employed in the Greenland fiſhery. The exports are alum, coals from Sunderland and Newcaſtle, canvas, butter, tallow, hams, bacon and fiſh. The houſes are 2871, the people 13018.

In this Riding was born the celebrated Henry Jenkins, who died at the ſurpriſing age of 169, and was buried at Bolton on the river Swale, in 1670. At York aſſizes he was admitted to ſwear to 140 years memory. He frequently ſwam rivers after he was 100 years old; and retained his ſight and hearing to his death. He had been a fiſherman an hundred years, but towards the latter end of his days, he begged.

The East-Riding

Is bounded on the north by the river Derwent, which ſeparates it from the North-Riding, on the eaſt by the German Ocean, on the ſouth by the Humber and the Ouſe, and on the weſt by the Weſt-Riding. The contents of its area are 1268 miles, or 811,520 acres. It is divided into 6 Wapentakes called Buckroſe, Dickering, Harthill, Holderneſs, Howdenſhire, and Ouſe and Derwent. Theſe form 211 pariſhes, 211 townſhips, and 3 extra-parochial demeſnes, and, including the city of York, contain 26,462 houſes, and 139,433 inhabitants.

In this Riding almoſt every variety of ſoil is found. The produce of wheat is greater than the conſumption; the manufactures are not extenſive; and the exports conſiſt of grain, bacon, butter, horſes, cattle, ſheep, hogs, and potatoes, chiefly to London. The coals uſed in this Riding are uſually imported from Newcaſtle, or ſupplied from the Weſt-Riding.

The towns are Beverley, Bridlington, Cave, Driffield, Headen, Howden, Hull, Hunmanby, Horſea, Kilham, Patrington, Pocklington, and Weighton.

Beverley is a place of great antiquity; it firſt began to be noticed as the retreat of John de Beverley, archbiſhop of York, in 717, who built a monaſtery, and died in 721. In honour of this prelate, ſeveral kings, particularly Athelſtan, who choſe him guardian ſaint, endowed the place with many privileges and immunities, and particularly, that the freemen ſhould be exempt from all manner of tolls throughout England. This ſo increaſed its trade and extent, that it was found neceſſary to draw a channel of ſix furlongs from the river to the town, for conveyance of foreign commodities by barges,

and

and other craft. The ſeſſions for the Eaſt-Riding of York are always held here, and in this town is the office for the regiſtering of all deeds, wills and other conveyances that affect lands in the Riding. The principal manufactures are malt, oat meal, and tanned leather, and ſalt. The trade here is much increaſed ſince the act of parliament in 1727, in purſuance of which, the cut called Beverley Beck, from the town to the river Hull, which runs into the Humber, was cleanſed, deepened, and widened, ſo as to be navigable for large veſſels. The corporation conſiſts of a mayor, recorder, 12 governors, or ſuperior, and 13 inferior burgeſſes. The town contains 1335 houſes, and 6001 ſouls.

Hull, or Kingſton-upon-Hull, is ſituated on the north ſide of the river Humber, at the mouth of the river Hull, from which it takes its name. It was built in the year 1296, by Edward I. after his return from Scotland; he made it a free borough, and endowed it with many privileges. In the year 1440, it was erected into a county, including a diſtrict of ſome miles diſtance, and the government veſted in a mayor, ſheriff, recorder, and 12 aldermen. Hull being in a low ſituation, was formerly ſubject to great inundations, but by proper drains that complaint is remedied. The commerce of Hull has for ſome time been conſtantly increaſing. Its ſituation is extremely advantageous; for, beſides its communication with the Yorkſhire rivers and canals, it has alſo acceſs by means of the Humber to the Trent, and all its branches and communications: hence it has the import and export trade of many of the northern and midland counties. The foreign commerce is chiefly to the Baltic; but it has alſo a regular traffic with the ſouthern parts of Europe, and with America. More ſhips are ſent hence to Greenland than from any other port, except London. The coaſting trade for coals, corn, wool, and manufactured goods, is very extenſive. A dock has been conſtructed, in which eighty ſhips may ride ſafely and conveniently. There are two churches, an exchange, infirmary, and trinity houſe, which is a corporation compoſed of a ſociety of merchants, for the relief of aged and diſtreſſed ſeamen, their wives and widows. Hull was in ancient times protected by a ſtrong wall, ditches and ramparts; it is now defended by three forts, which have a governor, lieutenant-governor, and other officers, and a garriſon. In this town are 4767 dwellings, and 29,516 people.

The city of York, which is the ſee of an archbiſhop, is placed on a point where the boundaries of the three Ridings meet, at the diſtance of two hundred miles from London. The origin of this city is not well known; it was, however, the

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ſtation of the ſixth legion, called Victrix, which Adrian brought out of Germany, and a Roman colony. The emperor Conſtantius Chlorus is ſaid to have died here, and his ſon Conſtantine the Great, being in England at the time of his father's death, to have been proclaimed Emperor. Being from its ſituation expoſed to the firſt aſſaults of the northern barbarians, York was frequently ravaged by the Danes; and theſe invaders having, in the time of William the Conqueror, put a Norman garriſon to the ſword, that ferocious tyrant wreaked vengeance on the city, which he burned, murdering the inhabitants, and deſolating the circumjacent country. Peace ſucceeding theſe turbulent times, York recovered itſelf, though often devoted to deſtruction by the Scots and the ſeditious. In the reign of Stephen, it ſuffered by an accidental fire, which conſumed the cathedral, St. Mary's abbey, and other religious houſes, together, as is generally thought, with a well furniſhed library, founded by archbiſhop Egelred. The rebuilding of the cathedral, which ſtill remains, was begun in the reign of king Edward I. It extends in length 525 feet, in breadth 110 feet, and in height 99 feet. The length of the croſs iſles is 222 feet; the nave, the largeſt of any, except that of St. Peter's church at Rome, is four feet and a half wider, and eleven feet higher, than that of St. Paul's cathedral in London. At the weſt end are two towers, connected and ſupported by an arch, which forms the weſt entrance, and is reckoned the largeſt Gothic arch in Europe. In the ſouth tower, on the weſt ſide, is a deep peal of twelve bells, the tenor weighing fifty-nine hundred weight. At the ſouth end of the church is a circular window, called from the colour of the ſtained glaſs, the Marigold window; and at the north end is a very large painted window, ſaid to have been erected at the expence of five maiden ſiſters. The other windows are exquiſitely painted with ſcripture hiſtories. The front of the choir is adorned with ſtatues of all the kings of England, from William the Conqueror to Henry VI.; and here are thirty-two ſtalls, of fine marble with pillars, each conſiſting of one piece of alabaſter. This cathedral has a neat chapter houſe, of an octagon form, ſixty-three feet in diameter, without any pillar to ſupport the roof, which reſts on one pin placed in the centre. The windows are finely painted and finiſhed, with an arch at the top; and within is the following monkiſh verſe, in gilt letters:

Ut roſa flos florum, ſic eſt domus iſta domorum.

Of the pariſh churches, three only are remarkable. Allhallow's, a Gothic ſtructure, has the moſt magnificent ſteeple in

England; St. Mary's has a ſteeple in the form of a pyramid; and St. Margaret's church has a ſteeple like St. Mary's, with a magnificent porch, on the top of which is a crucifixion cut in ſtone.

The walls of this ancient city are all entire, being repaired every year if there is occaſion. The city is divided into four wards, Micklegate, Botham, Monk, and Walingate, and has four principal gates, and ſix poſterns. The latter of theſe gates is ſuppoſed to derive its name by corruption from Watling-ſtreet. In the reign of Henry V., York had forty-four pariſh churches, beſides ſeventeen chapels, ſixteen hoſpitals, and nine religious houſes. At the reformation theſe were reduced to little more than half the number of pariſh churches, eighteen of them being united to the reſt, three hoſpitals, and one or two chapels. Clifford's Tower, a round ſhell, is beautifully ſituated on an artificial mount, commanding an extenſive view over the river. It is ſaid to be as old as the Conqueſt, and may have been raiſed by the Conqueror, or, as its mount exactly correſponds with the old bank on the weſt ſide of the river, it may have been a Roman work. It was uſed as a garriſon in the civil war, and till the year 1683, when the magazine blowing up, reduced it to its preſent form. The bridge over the Ouſe conſiſts of five arches, the middlemoſt eighty-one feet, or twenty-ſeven yards wide, and ſeventeen high. It was built about the year 1566, after the old one had been broken down by a ſudden thaw.

William the Conqueror is ſaid to have built the caſtle which was repaired in 1701, and is now the place where the aſſizes are held; part of it is alſo uſed for a priſon. It has a handſome chapel, with a good ſtipend for a preacher, and a gift of a large loaf of fine bread to every debtor that attends the ſervice; the walls are all kept clean; the very felons are allowed beds; and there is an infirmary ſeparated from the common priſon, where the ſick are properly attended.

The city of York is a county of itſelf, incorporated by Richard II., with a juriſdiction over thirty-ſix villages and hamlets, in the neigbourhood called the liberty of Anſtry. It is governed by a *lord* mayor, 12 aldermen in the commiſſion of the peace, two ſheriffs, 24 prime common-council men, 8 chamberlains, 72 common-council men, a recorder, a town-clerk, a ſword bearer, and a common ſerjeant. The city is divided into four wards: and the lord mayor and aldermen have the conſervancy of the rivers Ouſe, Humber, Wharfe, Derwent, Are, and Don, with certain limits; and the repreſentatives of this city in parliament have a right to ſit on the privy counſellors' bench, next to the citizens of London; a

privilege

privilege which the repreſentatives of both cities claim on the firſt day of the meeting of every new parliament. The Guildhall was built in the year 1446; the lord mayor's houſe in the year 1726; and an elegant aſſembly room in the year 1736, from a deſign of the earl of Burlington. Manufactures have not ſucceeded in York. The diſtrict ſituated to the ſouth and ſouth-weſt of the city, is called the Ainſtie. The houſes in the city, and Ainſtie, and a diſtrict, called the Liberty of St. Peter, are 5196, and the inhabitants 30,032.

Yorkſhire returns to parliament 30 members, being 2 for the ſhire, and 2 for each of the following places, York, Hull, Knareſborough, Scarborough, Rippon, Richmond, Heydon, Borough-bridge, Malton, Thirſk, Aldborough, Beverly, Northallerton, and Pontefract.

The ſubjoined comparative view of the number of houſes, in each county of England and Wales, as they appeared in the Hearth-books of Lady-day 1690; as they were made up at the Tax-Office, in 1708, 1750, 1781; and as they appear from the enumeration of 1801, is taken from "An Eſtimate of the comparative Strength of Great Britain, &c." by George Chalmers Eſq. It affords means of judging of the progreſs of population, in the counties already deſcribed.

Counties.	No. of Houſes, 1690.	No. of Houſes charged, 1708.	No. of Houſes charged and chargeable, 1750.	No. of Houſes charged and chargeable, 1781.	No. of Houſes enumerated, 1801.	
					Inhabited.	Uninhabited.
Bedfordſhire	12,170	5,479	6,802	5,360	11,888	185
Berks	16,996	7,558	9,762	8,277	20,573	622
Bucks	18,688	8,604	10,687	8,670	20,443	543
Cambridge	18,629	7,220	9,334	9,088	16,139	312
Cheſter	25,592	11,656	16,006	17,201	34,482	1,139
Cornwall	26,613	9,052	14,520	15,274	32,906	1,472
Cumberland	15,279	2,509	11,914	13,419	21,573	872
Derby	24,944	8,260	13,912	14,046	31,822	1,369
Devon	56,202	16,686	30,049	28,612	57,955	3,235
Dorſet	17,859	4,133	11,711	11,132	21,437	825
Durham	53,345	6,295	10,475	12,418	27,195	1,171
York	121,052	44,779	70,816	76,224	168,439	6,418
Eſſex	40,545	16,250	19,057	18,389	38,371	1,027
Glouceſter	34,476	13,285	16,251	14,950	46,457	1,715
Hereford	16,744	6,913	8,771	8,092	17,003	941
Hertford	17,483	7,447	9,251	8,628	17,681	491
Huntingdon	8,713	3,992	4,363	3,847	6,936	136

Counties.	No. of Houses, 1690.	No. of Houses charged 1708.	No. of Houses charged and chargeable, 1750.	No. of Houses charged and chargeable, 1781.	No. of Houses enumerated, 1801. Inhabited.	Uninhabited.
Kent	46,674	21,371	30,029	30,975	51,556	1,413
Lancashire	46,961	22,585	33,273	30,956	114,270	3,394
Leicester	20,448	8,584	12,957	12,545	25,992	742
Lincoln	45,019	17,571	24,999	24,591	41,395	1,094
London, &c.	111,215	47,031	71,977	74,704	112,912	5,171
Norfolk	56,579	12,097	20,697	20,056	47,617	1,523
Northampton	26,904	9,218	12,464	10,350	26,665	736
Northumberland (included in Durham)		6,787	10,453	12,431	26,518	1,534
Nottingham	17,818	7,755	11,001	10,872	25,611	542
Oxford	19,627	8,502	10,362	8,698	20,595	594
Rutland	3,661	1,488	1,873	1,445	3,274	87
Salop	27,471	11,452	13,332	12,895	31,182	929
Somerset	45,900	19,043	27,822	26,400	43,040	3,136
Southampton, &c.	28,557	14,331	18,045	15,828	38,284	906
Stafford	26,278	10,312	15,917	16,483	45,521	2,003
Suffolk	42,537	15,301	18,834	19,589	32,253	552
Surrey, &c.	40,610	14,021	20,037	19,381	46,072	1,514
Sussex	23,145	9,429	11,170	10,574	25,069	718
Warwick	22,400	9,461	12,759	13,276	41,069	2,946
Westmoreland	6,691	1,964	4,937	6,144	7,897	315
Wilts	27,418	11,375	14,503	12,856	28,059	1,170
Worcester	24,440	9,178	9,967	8,791	26,971	1,109
Anglesea (South and North Wales.)		1,040	1,334	2,264	6,679	127
Brecon		3,378	3,234	3,407	6,315	479
Cardigan		2,042	2,542	2,444	8,819	221
Carmarthen		3,985	5,020	5,126	13,449	371
Carnarvon		1,583	2,366	2,675	8,348	129
Denbigh		4,753	6,091	5,678	12,621	427
Flint		2,683	3,520	2,996	7,585	194
Glamorgan		5,020	6,290	5,146	14,225	537
Merioneth		1,900	2,664	2,972	5,787	193
Monmouth		3,280	4,980	4,454	8,942	417
Montgomery		4,047	4,790	5,421	8,725	223
Pembroke		2,764	2,803	3,224	11,869	398
Radnor	7,921	2,092	2,425	2,076	3,675	212
	1,319,215	508,516	729,048	721,351	1,574,902	35,539

A TABLE, shewing the Population of England and Wales, according to the Returns made to Parliament in 1801, and 1811; the Statements in preceding Pages having been taken from the earlier of the two Returns.

	1801.		1811.	
	Houses.	Inhabitants.	Houses.	Inhabitants.
Angleſea	6,804	33,806	7,291	37,045
Bedfordſhire	12,073	63,393	13,505	70,213
Berkſhire	21,195	109,215	22,677	118,277
Brecknockſhire	6,794	31,633	7,909	37,735
Buckinghamſhire	20,986	107,444	22,386	117,650
Caermarthenſhire	13,820	67,317	15,189	77,217
Caernarvonſhire	8,433	41,521	9,523	49,336
Cambridgeſhire	16,451	89,346	17,489	101,109
Cardiganſhire	9,040	42,956	9,794	50,260
Cheſhire	35,621	191,751	42,426	227,031
Cornwall	34,378	188,269	39,371	216,667
Cumberland	22,445	117,230	24,552	133,744
Denbighſhire	13,048	60,352	13,359	64,240
Derbyſhire	33,191	161,142	36,854	185,487
Devonſhire	61,190	343,001	64,793	383,308
Dorſetſhire	22,262	115,319	24,051	124,693
Durham	28,366	160,361	29,923	177,625
Eſſex	39,398	226,437	43,841	252,473
Flintſhire	7,779	39,622	8,971	46,518
Glamorganſhire	14,762	71,525	17,758	85,067
Glouceſterſhire	48,172	250,809	54,040	285,514
Hampſhire	39,257	219,656	44,240	245,080
Herefordſhire	17,943	89,191	19,296	94,073
Hertfordſhire	18,172	97,577	20,781	111,654
Huntingdonſhire	6,976	37,568	7,719	42,208
Kent	52,998	307,624	63,734	373,095
Lancaſhire	117,664	672,731	148,552	828,309
Leiceſterſhire	26,734	130,081	30,649	150,419
Lincolnſhire	41,489	208,557	47,467	237,891
Merionethſhire	5,980	29,506	6,137	30,924
Middleſex	118,083	818,129	134,939	953,276
Monmouthſhire	9,365	45,582	12,127	62,127
Montgomeryſhire	8,948	47,978	9,523	51,931
Norfolk	49,140	273,371	52,807	291,999
Northamptonſhire	27,401	131,757	28,857	141,353
Northumberland	28,052	157,101	29,384	172,161
Nottinghamſhire	26,153	140,350	32,298	162,900
Carry over,	1,070,563	5,910,208	1,214,202	6,790,609

	1801.		1811.	
	Houſes.	Inhabitants.	Houſes.	Inhabitants.
Brought over	1,070,563	5,919,208	1,214,202	6,790,609
Oxfordſhire	21,193	109,620	23,201	119,111
Pembrokeſhire	12,267	56,280	12,874	60,615
Radnorſhire	3,887	19,050	4,165	20,900
Rutlandſhire	3,261	16,356	3,402	16,380
Shropſhire	32,111	167,639	36,635	194,268
Somerſetſhire	50,176	271,750	54,134	303,180
Staffordſhire	50,193	239,153	56,617	295,153
Suffolk	32,805	210,431	37,851	234,211
Surry	46,586	269,043	57,124	323,851
Suſſex	25,993	159,311	30,680	190,083
Warwickſhire	43,783	208,190	45,849	228,735
Weſtmoreland	8,217	41,617	9,019	45,922
Wiltſhire	30,589	185,107	38,281	193,828
Worceſterſhire	26,820	139,333	31,010	160,456
Yorkſhire	174,855	858,892	193,480	973,113
Total	1,633,399	8,872,980	1,848,524	10,150,615

If theſe returns were in all particulars correct, it would ſhew, in ten years, an increaſe of 215,125 houſes, and 1,777,635 people: but ſome allowance muſt be made in the firſt returns, for inexpertneſs in the pariſh officers who were directed to make them, and for the unwillingneſs felt by ſome perſons at that time to diſcloſe the exact ſtate of their families, from a fear that the information was ſought for, as the baſis of ſome meaſure of taxation or of military requiſition. The evident futility of ſuch apprehenſions, and the better underſtanding of the returning officers, will, in courſe, have helped to ſwell the latter return; but ſtill the advance in population which muſt really have taken place is prodigious.

OF THE BRITISH CONSTITUTION IN GENERAL, AND THE COUNTRIES SUBJECT TO THE LAWS OF ENGLAND.

THE nature of our conſtitution is that of a limited monarchy, in which the legiſlative power is veſted in the king, lords, and commons; but the king is intruſted with the executive part.

This power being thus lodged in a ſingle perſon, the laws have all the advantages of ſtrength and diſpatch, that are to be found in the moſt abſolute monarchy: and as the legiſlature of the kingdom is intruſted to three diſtinct powers, entirely independent of each other; firſt, the king; ſecondly, the lords ſpiritual and temporal, which is an ariſtocratical aſſembly of perſons ſelected for their piety, their birth, their wiſdom, their valour, or their property; and, thirdly, the houſe of Commons, freely choſen by the people from among themſelves, which makes it a kind of democracy: as this aggregate body, actuated by different ſprings, and attentive to different intereſts, compoſes the Britiſh parliament, and has the ſupreme diſpoſal of every thing, there can no inconvenience be attempted by either of the three branches, but will be withſtood by one of the other two; each branch being armed with a negative power ſufficient to repel inexpedient or dangerous innovations.

On this frame of conſtitution, the author, from whom the preceding paragragh is derived, adds the following juſt remarks. "Here then is lodged the ſovereignty of the Britiſh conſtitution; and lodged as beneficially as is poſſible for ſociety. For in no other ſhape could we be ſo certain of finding the three great qualities of government ſo well and ſo happily united. If the ſupreme power were lodged in any one of the three branches ſeparately, we muſt be expoſed to the inconveniencies

of either abſolute monarchy, ariſtocracy, or democracy; and ſo want two of the three principal ingredients of good polity, either virtue, wiſdom, or power. If it were lodged in any two of the branches; for inſtance, in the king and houſe of lords, our laws might be providently made, and well executed, but they might not always have the good of the people in view: if lodged in the king and commons, we ſhould want that circumſpection and mediatory caution, which the wiſdom of the peers is to afford: if the ſupreme right of legiſlature were lodged in the two houſes only, and the king had no negative upon their proceedings, they might be tempted to incroach upon the royal prerogative, or perhaps to aboliſh the kingly office, and thereby weaken (if not totally deſtroy) the ſtrength of the executive power. But the conſtitutional government of this iſland is ſo admirably tempered and compounded, that nothing can endanger or hurt it, but deſtroying the equilibrium of power between one branch of the legiſlature and the reſt. For if ever it ſhould happen that the independence of any one of the three ſhould be loſt, or that it ſhould become ſubſervient to the views of either of the other two, there would ſoon be an end of our conſtitution. The legiſlature would be changed from that, which (upon the ſuppoſition of an original contract, either actual or implied) is preſumed to have been originally ſet up by the general conſent and fundamental act of the ſociety: and ſuch a change, however effected, is, according to Mr. Locke, (who perhaps carries his theory too far,) at once an entire diſſolution of the bands of government; and the people are thereby reduced to a ſtate of anarchy, with liberty to conſtitute to themſelves a new legiſlative power."

The bleſſings of this conſtitution were originally extended to a ſmall portion of thoſe territories which form the dominions of the crown of England, or, in a more comprehenſive term, the Britiſh empire. By the common law, the municipal regulations of England had no juriſdiction in Wales, Scotland, or Ireland; but each of theſe countries, at ſeparate periods, and with local peculiarities, has become ſubject to the laws and cuſtoms of this realm, bound in general by its ſtatutes, though retaining ſome ſeparate rights, and preſerving ſome anomalous authorities.

Wales, the retreat of the Chriſtian Britons from the Saxon pagans, their invaders, was firſt reduced by conqueſt to the crown and law of England, and its independence annihilated by Edward I. who, in 1282, aboliſhed the line of their ancient princes, and made his eldeſt ſon titular prince of the country. By ſtatute he annexed his conqueſt inſeparably to his crown, and brought their laws nearer to the Engliſh ſtandard, though

many

many of their cuſtoms were ſtill left in force; but in the 27th and 34th and 35th years of Hen. VIII. further acts of parliament abrogated every material diſtinction between Wales and the Engliſh dominions of the crown.

The crowns of England and Scotland were united by the acceſſion of James, the Sixth of Scotland, the Firſt of Great Britain, to the throne in 1603, but the kingdoms were not united till the year 1706. The union then effected will be further diſcuſſed when Scotland peculiarly engages attention; but as the ſtatute has provided that the municipal laws of that part of the iſland ſhall ſtill be obſerved there, unleſs altered by parliament; and as parliament has not yet thought proper, except in a few inſtances, to change them, they ſtill (with regard to the particulars unaltered) continue in full force, and the municipal or common laws in England are, generally ſpeaking, of no force or validity in Scotland. Acts of the Britiſh parliament extend to Scotland; but where they would not be applicable, or the extenſion is not intended, a declaratory proviſo is added.

Ireland was, from the reign of Hen. II. till very lately, a kingdom diſtinct from, though ſubordinate to, that of Great Britain; but the laws of England generally prevailed there, after the abolition of an ancient unwritten ſyſtem called the Brehon law. In this the difference between Ireland and Scotland was deemed remarkable, that Ireland, though not united, and having a parliament of her own, received the Engliſh laws, while Scotland, though without a parliament, and united to the kingdom of England, retained ſeparate, and, in ſome reſpects, eſſentially different forms of juriſprudence. In 1801, however, all diſtinctions between Great Britain and Ireland were terminated by an act of parliament paſſed in the preceding year, declaring that thoſe two kingdoms ſhall be for ever united in one by the name of the united kingdom of Great Britain and Ireland, and repreſented in one and the ſame parliament.

With reſpect to minor dominions of the crown, ſuch as Berwick upon Tweed, the iſles of Wight and Portland, and ſome others which are generally conſidered as parts of Engliſh counties, their ſubjection to the general law of the land has been mentioned in its proper place, or the degree in which either may ſtand excepted will be ſpecified, if material, in treating of ſome local juriſdictions. The iſles of Man, Jerſey, Guernſey, Gibraltar, and ſome other European poſſeſſions acquired by agreement or conqueſt, will be ſeparately conſidered, as will other more ample and productive territories in the remaining quarters of the globe. Suffice it here generally to ſay, that all the inhabitants of theſe places owe allegiance to the crown of

Great Britain, and are ſubject to the operations of laws framed by the grand council of the realm, although local neceſſities, or the rights of coloniſts eſtabliſhing themſelves by charter, may vary the forms of adminiſtration.

It may be proper to add, in this enumeration of places ſubject to the law of England, that it extends alſo over a portion of the ſea. The main, or high ſeas, are part of the realm of England, for thereon our courts of admiralty have juriſdiction; but they are not ſubject to the common law. This main ſea begins at the low-water-mark. But between the high and low-water-marks, where the ſea ebbs and flows, the common law and the admiralty have an alternate juriſdiction; one upon the water, when it is full ſea; the other upon the land, when it is at an ebb.

THE KING,

As firſt component part of the government already deſcribed, the king claims notice, and under this head will be diſplayed his title, rights and prerogatives, duties, revenues, and royal family.

TITLE. The crown of England is, by common law and conſtitutional cuſtom, hereditary; and this in a manner peculiar to itſelf: but the right of inheritance may, from time to time, be changed or limited by act of parliament; under which limitations the crown ſtill continues hereditary.

The propoſition that the crown is hereditary, by no means includes that of a *jure divino* title to the throne, nor have they any neceſſary connexion. The founders of the Engliſh monarchy eſtabliſhed originally a ſucceſſion by inheritance, which having been acquieſced in by general conſent, ripened by degrees into common law, and forms the very ſame title that individuals have to their eſtates. Lands are not naturally deſcendible any more than thrones: but the law has thought proper, for the benefit and peace of the public, to eſtabliſh hereditary ſucceſſion in the one as well as the other.

Nor does the doctrine of hereditary right imply an indefeaſible right to the throne. It is unqueſtionably in the breaſt of the ſupreme legiſlative authority of this kingdom, the king and both houſes of parliament, to defeat this hereditary right; and, by particular entails, limitations, and proviſions, to exclude the immediate heir, and inveſt the inheritance in another. This is ſtrictly conſonant to our laws and conſtitution; as may be gathered from the expreſſion ſo frequently uſed in the ſtatute book, of "the king's majeſty, his heirs, and ſucceſſors." In which we may obſerve, that as the word "heirs"

"heirs" neceſſarily implies an inheritance or hereditary right, generally ſubſiſting in the royal perſon; ſo the word "ſucceſſors," diſtinctly taken, have been conſtrued to imply that this inheritance may ſometimes be broken through; or, that there may, in a caſe of extreme neceſſity, be a ſucceſſor, without being the heir of the king. But however the crown may be limited or transferred, it ſtill retains its deſcendible quality, and becomes abſolutely hereditary in the wearer of it, unleſs by the rules of limitation it is otherwiſe ordered and determined.

On the death or demiſe of the king, his heir is that moment inveſted with the kingly office and regal power, and commences his reign from the moment of his anceſtor's death; whence it is held as a maxim, that the king never dies. The particular mode of inheritance, in general, correſponds with the feodal path of deſcents chalked out by the common law in the ſucceſſion to landed eſtates; but with ſome material exceptions. For although the crown deſcends lineally, and, as in common deſcents, and the preference of males to females, and the right of primogeniture among the males are ſtrictly adhered to, yet the ordinary rule, that poſſeſſion by the brother ſhall make the ſiſter of whole blood to be heir, does not hold in the deſcent of the crown or its poſſeſſions: neither is half blood any impediment in ſuch caſe; for the brother of the half blood ſhall be preferred to the ſiſter, in the enjoyment of the crown, as the moſt capable by the advantages and prerogative of his ſex. And among the females the crown deſcends by right of primogeniture to the eldeſt daughter only and her iſſue, and not, as in common inheritances, to all the daughters at once; the evident neceſſity of a ſole ſucceſſion to the throne having occaſioned the royal law of deſcents to depart from the common law in this reſpect; and therefore queen Mary, on the death of her brother, ſucceeded to the crown alone, and not in partnerſhip with her ſiſter Elizabeth.

The hiſtory of England, from the eſtabliſhment of monarchy to the preſent times, demonſtrates, amid all the variety of events, this fact, that the crown is hereditary, but limited, and not indefeaſible. It is true, the ſucceſſion, through fraud or force, or ſometimes through neceſſity, when in hoſtile times the crown deſcended on a minor or the like, has been frequently ſuſpended; but has generally returned back into the old hereditary channel, though ſometimes a conſiderable period has intervened. And even in thoſe inſtances where the ſucceſſion has been violated, the crown has ever been looked upon as hereditary in the wearer; of which the uſurpers themſelves were ſo ſenſible, that they, for the moſt part, endeavoured to fabricate

fabricate ſome feeble ſhew of a title by deſcent, in order to amuſe the people, while they gained poſſeſſion of the kingdom. And when poſſeſſion was once acquired, they conſidered it as the purchaſe or acquiſition of a new eſtate of inheritance, and tranſmitted, or endeavoured to tranſmit it to their own poſterity by a kind of hereditary right of uſurpation.

To elucidate this important point, it will be proper to compreſs the hiſtorical deductions of a learned author, who has written with great clearneſs on the ſubject, and whoſe authority is undiſputed.

About the year 800, Egbert found himſelf in poſſeſſion of the throne of the Weſt Saxons, by a long and undiſturbed deſcent from his anceſtors of above 300 years. The other kingdoms of the heptarchy he acquired, ſome by conqueſt, but moſt by a voluntary ſubmiſſion. And as it is an eſtabliſhed maxim in civil polity and the law of nations, that when one country is united to another in ſuch a manner, as that one keeps its government and ſtates, and the other loſes them, the latter entirely aſſimilates with, or is melted down in the former, and muſt adopt its laws and cuſtoms; ſo, in purſuance of this maxim, there has ever been, ſince the union of the heptarchy in king Egbert, a general acquieſcence under the hereditary monarchy of the Weſt Saxons, through all the united kingdoms.

From Egbert to the death of Edmund Ironſide, a period of above 200 years, the crown deſcended regularly, through a ſucceſſion of 15 princes, with only ſlight and occaſional deviations, which the ſtate of the times, the invaſions of the Danes, and the acceſſion of minors to the throne, rendered inevitable.

Edmund Ironſide was obliged, by the hoſtile irruption of the Danes, at firſt to divide his kingdom with Canute king of Denmark; who, after his death, ſeized the whole, Edmund's ſons being driven into exile. Here the ſucceſſion was ſuſpended by actual force, and a new family introduced, in whom, however, this acquired throne continued hereditary for three reigns; when, upon the death of Hardikpute, the ancient Saxon line was reſtored in the perſon of Edward the Confeſſor, brother of Edmund Ironſide. Edward was not indeed the true heir to the crown, but the circumſtances of the realm rendered his uſurpation neceſſary, though to the injury of the ſon of his elder brother, who was in Hungary. On the death of Edward without iſſue, Harold II. uſurped the throne; and almoſt at the ſame inſtant came on the Norman invaſion: the right to the crown being all the time in Edgar, ſurnamed Atheling, (which ſignifies, in the Saxon language, illuſtrious, or of royal blood,)

blood,) who was the grandſon of Edmund Ironſide, and ſon of Edward ſurnamed the Outlaw; in whoſe abſence Edward the Confeſſor aſſumed the throne.

William the Norman claimed the crown by virtue of a pretended grant from Edward the Confeſſor; a grant which, if real, was in itſelf invalid: becauſe it was made, as Harold well obſerved in his reply to William's demand, "*abſque generali ſenatus, et populi conventu et edicto*," which alſo plainly implies, that it then was generally underſtood that the king, with conſent of the general council, might diſpoſe of the crown and change the line of ſucceſſion. The title of William, however, was altogether as good as that of Harold, who was a mere private ſubject, and an utter ſtranger to the royal blood. Edgar Atheling's undoubted right was overwhelmed by the violence of the times; though frequently aſſerted by the Engliſh nobility after the conqueſt, till he died without iſſue: but all their attempts proved unſucceſsful, and only ſerved the more firmly to eſtabliſh the power of William, who, obtaining the crown by conqueſt, ſtill held it under the Engliſh law, with all its inherent properties; the firſt and principal of which was its deſcendibility.

William the Conqueror becoming thus, for a time at leaſt, the founder of a new race of kings, independent of the Saxon ſucceſſion, the crown deſcended from him to his ſons, William II. and Henry I. Stephen, though a grandſon of the Conqueror, uſurped the throne to the prejudice of the empreſs Maud or Matilda, daughter of Henry I. Her ſon Henry II. reigned by clearer title, and was additionally endeared to the Saxon inhabitants of England, as the lineal deſcendant of Edmund Ironſide; on which account, hiſtorians affirm that in him the Saxon line was reſtored. Henry II. was ſucceeded by his ſon Richard I., who, dying childleſs, the throne was occupied by his brother John, to the unjuſt excluſion of his nephew Arthur, then an infant; but Arthur and his ſiſter Eleanor, both dying without iſſue, the crown veſted by indiſputable right in Henry III. ſon of John, from whom it paſſed through the firſt three Edwards to Richard II. without the ſlighteſt interruption or infringement of the right of deſcent.

Such was the tranſmiſſion of the crown of England during a period of three hundred and thirty-three years; and although ſometimes the rules of ſucceſſion and primogeniture-ſhip were apparently diſregarded, they ſeem rather to have been underſtood in a different ſenſe from that now adopted, or to have been ſuſpended, as in that warlike age they eaſily might, in favour of ſome preſent claimant, who had addreſs ſufficient to render himſelf popular, and the courage and force requiſite to maintain his uſurped authority by the ſword.

Thus

Thus William II. and Henry I. by their arts and violence excluded their elder brother Robert from the throne, but he was abſent, and they might perhaps proceed upon a notion, which prevailed for ſome time in the law of deſcents, that when the eldeſt ſon was already provided for, as Robert was, being conſtituted duke of Normandy by his father's will, the next brother was entitled to enjoy the reſt of the paternal inheritance. But, as he died without iſſue, Henry at laſt had a good title to the throne. Stephen, aſſuming the ſceptre without the ſhadow of a title, attempted to ground his claim on election; but this was evidently a mere pretext, and he did not conſider it of much weight, when in a compromiſe with the empreſs Matilda, he reſtored ſucceſſion to its due courſe in the perſon of Henry II. The uſurpation of king John was leſs flagrant than that of Stephen, ſince, as appears by his charters, he claimed the crown by hereditary right; that is to ſay, he was next of kin to the deceaſed king, being his ſurviving brother: whereas Arthur was removed one degree further, being his brother's ſon, though by right he ſtood in the place of his father Geoffrey. And however ſlimſy this title, and thoſe of William Rufus, and Stephen of Blois, may appear at this diſtance to us, after the law of deſcents has been ſettled for ſo many centuries, they were ſufficient to puzzle the underſtandings of our brave, but unlettered, anceſtors. Nor indeed can we wonder at the number of partizans, who eſpouſed the pretenſions of king John in particular, ſince, in the reign of his father Henry II., it was a point undetermined, whether, even in common inheritances, the child of an elder brother ſhould ſucceed to the land in right of repreſentation, or the younger ſurviving brother in right of proximity of blood; a queſtion which, in the collateral ſucceſſion to the fiefs of the empire, remains undecided. When, however, the laws of deſcent began to be better underſtood in England, it was declared in parliament in the 25th Edward III. Stat. 3. "That the "law of the crown of England is, and always hath been, that "the children of the king of England, whether born in Eng- "land or elſewhere, ought to bear the inheritance after the "death of their anceſtors. Which law our ſovereign lord the "king, the prelates, earls, and barons, and other great men, "together with all the commons in parliament aſſembled, do "approve and confirm for ever."

The compulſory reſignation of the crown by Richard II. was in its conſequences, though not immediately, productive of events which clearly and ſtrongly enforced the doctrine of hereditary ſucceſſion. Henry IV. ſeated himſelf on the throne, not only to the prejudice of the depoſed Richard, but

alſo

alſo of the deſcendants of Lionel duke of Clarence, third ſon of Edward III.; he being the ſon of John of Gaunt, fourth ſon of that monarch. He advanced ſeveral pretences, for the purpoſe of gracing his uſurpation with a ſhew of legal title; but the parliament which allowed him the throne, cautiouſly abſtained from ſanctioning his fallacious aſſertions. They declared by Stat. 7 Henry IV. c. 2. "That the inheri-" tance of the crown and realms of England and France, and " all other the king's dominions, ſhall be ſet and remain in " the perſon of our ſovereign lord the king, and in the heirs " of his body iſſuing." Under this authority he retained the crown, and Henry V. and Henry VI., his ſon and grandſon, ſucceeded him; but in the reign of the latter, the more legal claim of the houſe of York was aſſerted, and after a bloody contention was eſtabliſhed in the perſon of Edward IV. At his acceſſion to the throne, after a breach of the ſucceſſion that continued for three deſcents, and above threeſcore years, the diſtinction of a king *de jure* and a king *de facto* began to be made, in order to indemnify ſuch as had ſubmitted to the late eſtabliſhment, and to provide for the peace of the kingdom, by confirming all honours conferred, and all acts done, by thoſe who were now called uſurpers, not tending to the diſheriſon of the rightful heir. In the ſtatute 1 Edward IV. c. 1. the three Henrys are ſtyled, "Late kings of England ſucceſſively in dede, but not of ryght." And, in his charters, king Edward, wherever he has occaſion to ſpeak of any of the line of Lancaſter, calls them "*Nuper de facto, et non de jure, reges Angliæ.*"

The ſhort reign of Edward V., the pretence of his baſtardy, the murder of the young king, and his brother the duke of York, and the uſurpation of Richard III. are facts well known; and the aſſiduous exertions of the uſurper to juſtify his proceedings, ſhew a conſtant regard to the exiſtence and ſpirit of that law of ſucceſſion, the operation of which ambition made him ſo deſirous to ſuperſede. But if the title of Richard to the throne was feeble, compared with that of the children of his brother, it was of adamantine ſtrength if oppoſed to that of Henry earl of Richmond, who claimed by deſcent from the exploded title of John of Gaunt, and whoſe claim was derived only through John earl of Somerſet, a baſtard ſon, begotten by John of Gaunt upon Catherine Swinford. It is true, that, by an act of parliament, 20 Richard II., this ſon was, with others, legitimated and made inheritable to all lands, offices, and dignities, as if he had been born in wedlock: but ſtill, with an expreſs reſervation of the crown, "*excepta dignitate regali.*" Notwithſtanding all this, immediately

ately after the battle of Bofworth-field, he aſſumed the regal dignity; and his claim was allowed by parliament, not on the ſcore of right, for that they cautiouſly forbore to recognize, but by a new kind of middle term by way of eſtabliſhment; for they declared that the inheritance of the crown ſhould *reſt, remain,* and *abide* in King Henry VII., *and the heirs of his body:* thereby providing for the future, and at the ſame time acknowledging his preſent poſſeſſion; but not determining whether that poſſeſſion was *de jure*, or merely *de facto*. However, he ſoon after married Elizabeth of York, the undoubted heireſs, and thereby gained (as Sir Edward Coke declares) by much his beſt title to the crown. Whereupon the act made in his favour was ſo much diſregarded, that it never was printed in the ſtatute books.

From this period, the crown paſſed in the legal order of ſucceſſion to Henry VIII., and to his children, Edward VI. Mary, and Elizabeth. On the death of Elizabeth without iſſue, the line of Henry VIII. being extinct, it became neceſſary to recur to the other iſſue of Henry VII., by Elizabeth of York his queen. Their eldeſt daughter, Margaret, having married James IV. king of Scotland, king James, the Sixth of Scotland, and of England the Firſt, was the lineal deſcendant from that alliance, and in his perſon, as clearly as in Henry VIII., centered all the claims of different competitors, from the conqueſt downwards, he being indiſputably the lineal heir of the conqueror. And, what is ſtill more remarkable, in his perſon alſo centered the right of the Saxon monarchs, which had been ſuſpended from the conqueſt till his acceſſion. For, Margaret the ſiſter of Edgar Atheling, the daughter of Edward the Outlaw, and granddaughter of king Edmund Ironſide, was the perſon in whom the hereditary right of the Saxon kings, if not aboliſhed by the conqueſt, reſided. She married Malcolm king of Scotland; and Henry II. by a deſcent from Matilda their daughter, is generally called the reſtorer of the Saxon line. But it muſt be remembered, that Malcolm, by his Saxon queen, had ſons as well as daughters; and that the royal family of Scotland, from that time downwards, were the offſpring of Malcolm and Margaret. Of this royal family king James I. was the direct lineal heir, and therefore united in his perſon every poſſible claim by hereditary right, to the Engliſh as well as the Scottiſh throne, being the heir both of Egbert and William the Conqueror.

It is no wonder that a prince of more learning than wiſdom, who could deduce an hereditary title for more than eight hundred years, ſhould eaſily be taught by the flatterers of the times to believe there was ſomething divine in this right, and that

that the finger of Providence was viſible in its preſervation. This pretenſion to *divine right* in James I. was ſeverely viſited on his ſon Charles I., and its exceſſive arrogance was more than counterbalanced by the aſſertion of the pretended judges of that unfortunate monarch, that he was 'an *elective prince; elected by his people*, and therefore accountable to them, in his own proper perſon, for his conduct.

The reſtoration of Charles II., the reign and abdication of James II., or, as it is more commonly and juſtly denominated, the revolution of 1688, the eſtabliſhment of William III. and queen Mary on the throne, and the ſtatute paſſed in the 12th and 13th of William III., for limiting the ſucceſſion to the crown, in direct conſequence of which it has become veſted in the preſent royal family, tend ſtrongly to deſtroy the ſuppoſition of any acknowledged divine right; but they eſtabliſh beyond a doubt, the general propoſition that the crown of England is hereditary, but not indefeaſibly ſo, and that the ſucceſſion to it is ſubject to limitation by parliament.

Before the conqueſt, we find Harold II. anſwering William of Normandy, who alleged that he had a grant of the crown from Edward the Confeſſor, that ſuch a grant, if real, was utterly invalid, becauſe it was made *abſque generali ſenatus et populi conventu et edicto*; a proof of its being then underſtood that the king, with conſent of the general council, might diſpoſe of the crown, and change the ſucceſſion. In the ſtatute of 25th Edward III. already quoted, the king, prelates, earls, barons, and other great men, together with the commons, approve and affirm for ever a declaration of law, relative to the ſucceſſion to the crown. In the ſtatute of 7 Henry IV., alſo before mentioned, the legiſlature ſettles the crown on that king and his heirs; and the parliament in the reign of Henry VII., following the mode of their anceſtors, but uſing more cautious terms, avowing no right in Henry, nor aſſuming any right of creation in themſelves, declare that the crown ſhould reſt, remain, and abide in him, and the heirs of his body. If parliaments were ſo cautious at the acceſſions of uſurpers, as not to aſſume to themſelves the right of diſturbing the declared law, that the crown was hereditary, it muſt have been becauſe they were conſcious that no ſuch right could be maintained; and although for the ſake of peace, and to quiet the fears of their fellow ſubjects, they ſanctioned preſent uſurpations, they religiouſly abſtained from eſtabliſhing the doctrine that the crown was elective, or that they could prevent it from deſcending to the heirs of him in whom they declared it to veſt. In ſeveral ſtatutes made in the reign of

Henry VIII., when the ſlaviſh legiſlators, actuated by the caprices of that tyrannical monarch, declared or denied, as he thought fit to dictate, the legitimacy of the princeſſes Mary and Elizabeth, they ſtill perſiſted in the eſtabliſhed doctrine that the crown ſhould deſcend to the king's children, and to their heirs, *by courſe of inheritance, according to their ages, as the crown of England hath been accuſtomed, and ought to go.* The ſame principle was maintained in two acts paſſed in the 1ſt of queen Mary, the one on her acceſſion, and the other on her marriage with king Philip; and again on the acceſſion of Elizabeth, and in the 13th year of her reign.

But if Engliſh parliaments were thus always ready to avow the conſtitutional principle that the crown is hereditary, they would not, to favour any opinion *of divine right*, deſert the honeſt plainneſs of that conſtitutional declaration. For in the 1ſt of James I. the parliament did recognize and acknowledge, that immediately upon the diſſolution and deceaſe of Elizabeth, late queen of England, the imperial crown thereof did, by inherent birthright and lawful and undoubted ſucceſſion, deſcend and come to his moſt excellent majeſty, (not by divine right,) but as being lineally, juſtly, and lawfully, next and ſole heir of the blood royal of this realm. Nor was this reſerve owing to any moroſeneſs or averſion to flattery, for the ſame parliament in the ſame ſtatute did, "*upon the knees of their* "*hearts*, aguiſe their conſtant faith, obedience, and loyalty to "his majeſty and his royal progeny."

At the reſtoration, affection, joy, and the ſenſe of the evils of uſurpation from which the kingdom was reſcued, might have occaſioned ſome deviation from the ſtrictneſs of conſtitutional preciſion; but, even then, the parliament, in congratulating the king on a topic which was ſcarcely leſs intereſting to themſelves, did nothing more than heartily, joyfully, and unanimouſly acknowledge and proclaim, that "immediately "upon the deceaſe of our late ſovereign lord king Charles, the "imperial crown of theſe realms did, by inherent birthright and "lawful and undoubted ſucceſſion, deſcend and come to his "moſt excellent majeſty Charles II., as being lineally, juſtly, "and lawfully next heir of the blood royal of this realm: and "thereunto they moſt humbly and faithfully did ſubmit and "oblige themſelves, their heirs, and poſterity for ever."

All theſe acts ſeem to place the right of hereditary ſucceſſion, and the futility of the claim by divine right, beyond a doubt; for however the events of turbulent times, or the force or intrigues of ambitious individuals, may have ſuſpended the courſe of ſucceſſion, ſtill thoſe very uſurpers, except William the Conqueror,

queror, and the temporary inſtance of Stephen, did not aſſume to rule by election, conqueſt, or grant, nor did any of them pretend to change the acknowledged nature and inherent quality of the crown, that of deſcending to the right heirs of the laſt wearer.

The parliament, on the other hand, always conceding to the king the undoubted right of holding an inheritable crown, exerted on many occaſions their privilege of declaring and limiting the ſucceſſion, and in late inſtances limiting it by ſtrict terms, the non-obſervance of which would ſuperſede the acknowledged claim of hereditary right. Thus, when in the reign of Edward III. it was conſidered neceſſary to ſettle the law of deſcent by a declaratory ſtatute, the parliament obviated one of the great exceptions at the common law to the ordinary rule of inheritance, by declaring that the children of the king, though aliens, ("whether born in England or elſewhere,") ought to ſucceed on the death of their anceſtors. The parliament, in the reign of Henry IV., ſaw that great inconvenience might ariſe if the iſſue of the king had failed, and all his collateral kinſmen, however obſcure or even degraded, had been permitted, as they would, in the caſe of an ordinary eſtate, to advance claims to the throne, and therefore, with his conſent, limited the ſucceſſion to his four children only, and to the heirs of their reſpective bodies, terminating by this ſtrict entail all poſſibility of collateral claim. For nearly the ſame reaſons, but rendered much ſtronger by the feebleneſs of the king's title, and the ſtate of the times, the parliament, in the reign of Henry VII. limited the ſucceſſion to the *heirs of his body*. In either of theſe caſes had the blood royal failed, the right of diſpoſing of the crown would naturally have reſulted to the parliament; the truſtees and repreſentatives of the nation. In the days of Henry VIII. the parliament ſhewed their authority more than their freedom or their wiſdom, by changing ſeveral times the limitations of ſucceſſion, and particularly by one of their acts, 28th Hen. VIII. c. 7. wherein they baſtardized the princeſſes Mary and Elizabeth, and ſettled the crown on the king's children by queen Jane Seymour, and his future wives, and in defect of ſuch children with remainder, *to ſuch perſons as the king by letters patent or laſt will and teſtament ſhould limit and appoint the ſame.* This ſtatute was, however, repealed ſeven years afterward, and the two princeſſes again legitimated.

After the reſtoration, an attempt was made to limit the ſucceſſion to the crown, by excluding the duke of York, the king's brother and preſumptive heir, becauſe he was a papiſt. The bill, after paſſing the Houſe of Commons, was rejected by the lords, the king having poſitively declared that he would never

ſanction it with his aſſent. But although this bill did not take effect, its progreſs demonſtrated that the crown was hereditary, and the inheritance defeaſible only by parliament.

The revolution, in 1688, was not a defeazance of the right of ſucceſſion, and a new limitation of the crown, by the king and both houſes of parliament: it was the act of the nation alone, proceeding upon a new caſe in politics, which had never before happpened in our hiſtory: the abdication of the reigning monarch, and the conſequent vacancy of the throne. The two houſes of parliament meeting in a convention, and acting on a conviction that there was no king in exiſtence, adopted the reſolution, "that James II. having endeavoured to ſubvert the "conſtitution of the kingdom, by breaking the original con- "tract between king and people; and by the advice of Jeſuits "and other wicked perſons, having violated the fundamental "laws; and having withdrawn himſelf out of this kingdom; "has abdicated the government, and that the throne is thereby "vacant." They then proceeded to declare, "that William "and Mary, prince and princeſs of Orange, be, and be declared "king and queen, to hold the crown and royal dignity during "their lives, and the life of the ſurvivor of them; and that "the ſole and full exerciſe of the regal power be only in, and "executed by, the ſaid prince of Orange, in the names of the "ſaid prince and princeſs, during their joint lives: and after "their deceaſes, the ſaid crown and royal dignity to be to the "heirs of the body of the ſaid princeſs; and for default of "ſuch iſſue, to the princeſs Anne of Denmark and the heirs of "her body; and for default of ſuch iſſue, to the heirs of the "body of the ſaid prince of Orange."

It was further provided by ſtatute 1ſt William and Mary ſtat. 2. c. 2. "that every perſon who ſhould be reconciled to, or "hold communion with, the ſee of Rome, ſhould profeſs the "popiſh religion, or ſhould marry a papiſt, ſhould be excluded, "and for ever incapable to inherit, poſſeſs, or enjoy the crown; "and that in ſuch caſe the people ſhould be abſolved from "their allegiance, and the crown ſhould deſcend to ſuch per- "ſons, being Proteſtants, as would have inherited the ſame, in "caſe the perſon ſo reconciled, holding communion, profeſſing, "or marrying, were naturally dead."

Toward the end of king William's reign, when all hopes of any ſurviving iſſue from any of thoſe to whom the crown had been limited, died with the duke of Glouceſter, the king and parliament thought it neceſſary again to exert their power of limiting and appointing the ſucceſſion, in order to prevent another vacancy of the throne; which muſt have enſued upon their death, as no farther proviſion was made at the re-

volution,

volution, than for the iſſue of queen Mary, queen Anne, and king William. To act therefore conſiſtently with themſelves, and at the ſame time pay as much regard to the old hereditary line as their former reſolutions would admit, they turned their eyes on the princeſs Sophia, electreſs and ducheſs dowager of Hanover, the moſt accompliſhed princeſs of her age. For, upon the impending extinction of the Proteſtant poſterity of Charles I., the old law of regal deſcent directed them to recur to the deſcendants of James I., and the princeſs Sophia, being the youngeſt daughter of Elizabeth, titular queen of Bohemia *, who was the daughter of James I., was the neareſt of the ancient blood royal, who was not incapacitated by profeſſing the popiſh religion. On her, therefore, and the heirs of her body, being Proteſtants, the remainder of the crown, expectant on the death of king William and queen Anne, without iſſue, was ſettled by ſtatute 12 & 13 W. III. c. 2. And at the ſame time it was enacted, that whoſoever ſhould hereafter come to the poſſeſſion of the crown ſhould join in the communion of the church of England as by law eſtabliſhed.

Such was the laſt limitation of the crown made by parliament: the princeſs Sophia dying before Anne; the inheritance thus limited deſcended on her ſon and heir, George I.; and, having on the death of the queen taken effect in his perſon, from him it deſcended to his late majeſty, George II.; and from him to his grandſon and heir, our preſent gracious ſovereign, George III.

The tranſactions in 1688, and thoſe to which they gave birth, together with the ſeveral preceding ſtatutes which have been alluded to, prove the power of the king and parliament to new-model or alter the ſucceſſion, and to maintain the contrary by writing or printing, is declared to be high treaſon by the ſtatute of the 6th of Anne c. 7. In theſe times, indeed, there is leſs danger that perſons ſhould incur the penalty of high treaſon by denying the exiſtence of this power in parliament, than that they ſhould, as already has been attempted, endeavour to infer from the revolution in 1688, and the acts of ſucceſſion, a right in parliament to "caſhier kings for miſconduct, and to "frame a new government for themſelves."

On this ſubject it may not be improper to introduce the

* Elizabeth, daughter of James I., eſpouſed Frederic elector palatine of the Rhine, who accepted the crown of Bohemia, when the natives depoſed the emperor Ferdinand II. But he was ſoon deprived of this temporary ſovereignty, and ſtripped of his electoral dominions, and died almoſt an exile. He was therefore only titular king of Bohemia, and Elizabeth can ſcarcely be called any thing except titular queen of Bohemia.

juſt and conſtitutional remarks of a late writer, who will be no leſs the admiration of future ages than he was the wonder and delight of that which he inſtructed and adorned.

"Unqueſtionably," ſays Mr. Burke, "there was at the revolution, in the perſon of king William, a ſmall and a temporary deviation from the ſtrict order of a regular hereditary ſucceſſion; but it is againſt all genuine principles of juriſprudence to draw a principle from a law made in a ſpecial caſe, and regarding an individual perſon. *Privilegium non tranſit in exemplum.* If ever there was a time favourable for eſtabliſhing the principle, that a king of popular choice was the only legal king, without all doubt it was at the revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. There is no perſon ſo completely ignorant of our hiſtory, as not to know, that the majority in parliament of both parties were ſo little diſpoſed to any thing reſembling that principle, that at firſt they were determined to place the vacant crown, not on the head of the prince of Orange, but on that of his wife Mary, daughter of king James, the eldeſt born of the iſſue of that king, which they acknowledged as undoubtedly his. It would be to repeat a very trite ſtory, to recal to your memory all thoſe circumſtances which demonſtrated that their accepting king William was not properly a choice; but to all thoſe who did not wiſh, in effect, to recal king James, or to deluge their country in blood, and again to bring their religion, laws, and liberties into the peril they had juſt eſcaped, it was an act of neceſſity, in the ſtricteſt moral ſenſe in which neceſſity can be taken.

"In the very act, in which, for a time, and in a ſingle caſe, parliament departed from the ſtrict order of inheritance, in favour of a prince, who, though not next, was, however, very near in the line of ſucceſſion, it is curious to obſerve how lord Somers, who drew the bill called the Declaration of Rights, has comported himſelf on that delicate occaſion. It is curious to obſerve with what addreſs this temporary ſolution of continuity is kept from the eye; whilſt all that could be found in this act of neceſſity to countenance the idea of an hereditary ſucceſſion is brought forward and foſtered, and made the moſt of by this great man, and by the legiſlature who followed him. Quitting the dry, imperative ſtyle of an act of parliament, he makes the lords and commons fall to a pious, legiſlative ejaculation, and declare that they conſider it "as a marvellous providence and merciful goodneſs of God to this nation, to preſerve their ſaid majeſties' royal perſons, moſt happily to reign over us on the throne of their anceſtors, for which, from the

bottom

bottom of their hearts, they return their humbleſt thanks and praiſes." The legiſlature plainly had in view the act of recognition of the firſt of queen Elizabeth, chap. 3. and of that of James I. chap. 1. both acts ſtrongly declaratory of the inheritable nature of the crown; and in many parts they follow, with a nearly literal preciſion, the words and even the forms of thankſgiving, which is found in theſe old declaratory ſtatutes.

"The two houſes, in the act of king William, did not thank God that they had found a fair opportunity to aſſert a right to chooſe their own governors, much leſs to make an election the only lawful title to the crown. Their having been in a condition to avoid the very appearance of it, as much as poſſible, was by them conſidered as a providential eſcape. They threw a politic, well-wrought veil over every circumſtance tending to weaken the rights, which, in the meliorated order of ſucceſſion, they meant to perpetuate; or which might furniſh a precedent for any future departure from what they had then ſettled for ever. Accordingly, that they might not relax the nerves of their monarchy, and that they might preſerve a cloſe conformity to the practice of their anceſtors, as it appeared in the declaratory ſtatutes of queen Mary and queen Elizabeth, in the next clauſe they veſt, by recognition in their majeſties, all the legal prerogatives of the crown, declaring, "that in them they are moſt fully, rightfully, and entirely inveſted, incorporated, united, and annexed." In the clauſe which follows, for preventing queſtions, by reaſon of any pretended titles to the crown, they declare, (obſerving alſo in this the traditionary language, along with the traditionary policy of the nation, and repeating, as from a rubric, the language of the preceding acts of Elizabeth and James,) that on the preſerving "a certainty in the ſucceſſion thereof, the unity, peace, and tranquillity of this nation doth, under God, wholly depend."

"They knew that a doubtful title of ſucceſſion would but too much reſemble an election; and that an election would be utterly deſtructive of the "unity, peace, and tranquillity of this nation," which they thought to be conſiderations of ſome moment. To provide for theſe objects, and therefore to exclude for ever the doctrine of "a right to chooſe our own governors," they follow with a clauſe, containing a moſt ſolemn pledge, taken from the preceding act of queen Elizabeth, as ſolemn a pledge as ever was or can be given in favour of an hereditary ſucceſſion, and as ſolemn a renunciation as could be made of the principles by this ſociety imputed to them. "The lords ſpiritual and temporal and commons do, in the name of all the people aforeſaid, moſt humbly and faithfully ſubmit themſelves, their heirs, and poſterities for ever; and do faith-

fully promiſe that they will ſtand to, maintain, and defend their ſaid majeſties, and alſo the limitation of the crown, herein ſpecified and contained, to the utmoſt of their powers," &c. &c.

"So far is it from being true, that we acquired a right by the revolution to elect our kings, that if we had poſſeſſed it before, the Engliſh nation did, at that time, moſt ſolemnly renounce and abdicate it for themſelves and for all their poſterity for ever.

"It is true, that, aided with the powers derived from force and opportunity, the nation was, at that time, in ſome ſenſe, free to take what courſe it pleaſed for filling the throne; but only free to do ſo on the ſame grounds on which they might have wholly aboliſhed their monarchy, and every other part of their conſtitution. However, they did not think ſuch bold changes within their commiſſion. It is indeed difficult, perhaps impoſſible, to give limits to the mere abſtract competence of the ſupreme power, ſuch as was exerciſed by parliament at that time; but the limits of a moral competence ſubjecting, even in powers more indiſputably ſovereign, occaſional will to permanent reaſon, and to the ſteady maxims of faith, juſtice, and fixed fundamental policy, are perfectly intelligible, and perfectly binding upon thoſe who exerciſe any authority, under any name, or under any title in the ſtate. The conſtituent parts of a ſtate are obliged to hold their public faith with each other, and with all thoſe who derive any ſerious intereſt under their engagements, as much as the whole ſtate is bound to keep its faith with ſeparate communities: otherwiſe, competence and power would ſoon be confounded, and no law be left but the will of a prevailing force. On this principle, the ſucceſſion of the crown has always been what it now is, an hereditary ſucceſſion by law; in the old line, it was a ſucceſſion by the common law; in the new, by the ſtatute law, operating on the principles of the common law, not changing the ſubſtance, but regulating the mode, and deſcribing the perſons. Both theſe deſcriptions of law are of the ſame force, and are derived from an equal authority, emanating from the common agreement and original compact of the ſtate, *communi ſponſione reipublicæ*, and as ſuch are equally binding on king and people too, as long as the terms are obſerved, and they continue the ſame body politic.

"A ſtate, without the means of ſome change, is without the means of its conſervation. Without ſuch means it might even riſk the loſs of that part of the conſtitution which it wiſhed the moſt religiouſly to preſerve. The two principles of conſervation and correction operated ſtrongly at the two critical periods of the

reſtoration

reſtoration and revolution, when England found itſelf without a king. At both thoſe periods the nation had loſt the bond of union in their ancient edifice; they did not, however, diſſolve the whole fabric. On the contrary, in both caſes they regenerated the deficient part of the old conſtitution through the parts which were not impaired. They kept theſe old parts exactly as they were, that the part recovered might be ſuited to them. They acted by the ancient organized ſtates in the ſhape of their old organization, and not by the organic moleculæ of a diſbanded people. At no time, perhaps, did the ſovereign legiſlature manifeſt a more tender regard to that fundamental principle of Britiſh conſtitutional policy, than at the time of the revolution, when it deviated from the direct line of hereditary ſucceſſion. The crown was carried ſomewhat out of the line in which it had before moved; but the new line was derived from the ſame ſtock. It was ſtill a line of hereditary deſcent; ſtill an hereditary deſcent in the ſame blood, though an hereditary deſcent qualified with Proteſtantiſm. When the legiſlature altered the direction, but kept the principle, they ſhewed that they held it inviolable.

"King James was a bad king with a good title, and not an uſurper. The princes who ſucceeded, according to the act of parliament which ſettled the crown on the electreſs Sophia, and on her deſcendants, being Proteſtants, came in as much by a title of inheritance as king James did. He came in according to the law, as it ſtood at his acceſſion to the crown; and the princes of the houſe of Brunſwick came to the inheritance of the crown, not by election, but by the law, as it ſtood at their ſeveral acceſſions of Proteſtant deſcent and inheritance, as I hope I have ſhewn ſufficiently.

"The law by which this royal family is ſpecifically deſtined to the ſucceſſion, is the act of the 12th and 13th of king William. The terms of this act bind "us and our heirs, and our poſterity to them, their heirs, and their poſterity," being Proteſtants, to the end of time, in the ſame words as the declaration of right had bound us to the heirs of king William and queen Mary. It therefore ſecures both an hereditary crown and an hereditary allegiance. On what ground, except the conſtitutional policy of forming an eſtabliſhment to ſecure that kind of ſucceſſion which is to preclude a choice of the people for ever, could the legiſlature have faſtidiouſly rejected the fair and abundant choice which our own country preſented to them, and ſearched in ſtrange lands for a foreign princeſs, from whoſe womb the line of our future rulers were to derive their title to govern millions of men through a ſeries of ages?

"The princeſs Sophia was named in the act of ſettlement of the

12th and 13th of king William, for a ſtock and root of inheritance to our kings, and not for her merits as a temporary adminiſtratrix of a power which ſhe might not, and in fact did not, herſelf ever exerciſe. She was adopted for one reaſon, and for one only, becauſe, ſays the act, "the moſt excellent princeſs Sophia, electreſs and ducheſs dowager of Hanover, is daughter of the moſt excellent princeſs Elizabeth, late queen of Bohemia, daughter of our late ſovereign lord king James I. of happy memory, and is hereby declared to be the next in ſucceſſion in the Proteſtant line," &c. &c. "And the crown ſhall continue to the heirs of her body, being Proteſtants." This limitation was made by parliament, that through the princeſs Sophia an inheritable line not only was to be continued in future, but (what they thought very material) that through her it was to be connected with the old ſtock of inheritance in king James I., in order that the monarchy might preſerve an unbroken unity through all ages, and might be preſerved (with ſafety to our religion) in the old approved mode by deſcent, in which, if our liberties had been once endangered, they had often, through all ſtorms and ſtruggles of prerogative and privilege, been preſerved. They did well. No experience has taught us that in any other courſe or method than that of an hereditary crown, our liberties can be regularly perpetuated and preſerved ſacred as our hereditary right. An irregular convulſive moment may be neceſſary to throw off an irregular, convulſive diſeaſe. But the courſe of ſucceſſion is the healthy habit of the Britiſh conſtitution. Was it that the legiſlature wanted, at the act for the limitation of the crown in the Hanoverian line, drawn through the female deſcendants of James I. a due ſenſe of the inconveniences of having two or three, or poſſibly more, foreigners in ſucceſſion to the Britiſh throne? No: they had a due ſenſe of the evils which might happen from ſuch foreign rule, and more than a due ſenſe of them. But a more deciſive proof cannot be given of the full conviction of the Britiſh nation, that the principles of the revolution did not authorize them to elect kings at their pleaſure, and without any attention to the ancient fundamental principles of our government, than their continuing to adopt a plan of hereditary Proteſtant ſucceſſion in the old line, with all the dangers and all the inconveniences of its being a foreign line full before their eyes, and operating with the utmoſt force upon their minds.

"The idea of inheritance," the ſame author obſerves, "furniſhes a ſure principle of conſervation, and a ſure principle of tranſmiſſion, without at all excluding a principle of improvement. It leaves acquiſition free; but it ſecures what it acquires. Whatever advantages are obtained by a ſtate proceeding on theſe maxims,

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are locked faſt as in a ſort of family ſettlement; graſped as in a kind of mortmain for ever. By a conſtitutional policy, working after the pattern of nature, we receive, we hold, we tranſmit our government and our privileges in the ſame manner in which we enjoy and tranſmit our property and our lives. The inſtitutions of policy, the goods of fortune, the gifts of providence, are handed down to us and from us in the ſame courſe and order. Our political ſyſtem is placed in a juſt correſpondence and ſymmetry with the order of the world, and with the mode of exiſtence decreed to a permanent body compoſed of tranſitory parts; wherein, by the diſpoſition of a ſtupenduous wiſdom, moulding together the great myſterious incorporation of the human race, the whole, at one time, is never old, or middle-aged, or young, but in a condition of unchangeable conſtancy, moves on through the varied tenour of perpetual decay, fall, renovation, and progreſſion. Thus, by preſerving the method of nature in the conduct of the ſtate, in what we improve we are never wholly new; in what we retain, we are never wholly obſolete. By adhering in this manner, and on thoſe principles to our forefathers, we are guided not by the ſuperſtition of antiquarians, but by the ſpirit of philoſophic analogy. In this choice of inheritance we have given to our frame of polity the image of a relation in blood; binding up the conſtitution of our country with our deareſt domeſtic ties; adopting our fundamental laws into the boſom of our family affections; keeping inſeparable, and cheriſhing with the warmth of all their combined and mutually reflected charities, our ſtate, our hearths, our ſepulchres, and our altars."

RIGHTS AND PREROGATIVES. The rights and prerogatives of the crown are, in moſt things, as ancient as the law itſelf; for though the 17 Ed. II. ſtat. 1. commonly called the ſtatute *de prerogativa regis*, ſeems to be introductive of ſomething new, yet, for the moſt part, it is but a ſum or collection of certain prerogatives that were the known law long before.

The law aſcribes to the king the attribute of ſovereignty or pre-eminence. "*Rex eſt vicarius*," ſays Bracton, "*et miniſter Dei in terra: omnis quidem ſub eo eſt, et ipſe ſub nullo, niſi tantum ſub Deo.*" He is ſaid to have *imperial* dignity; and in charters before the conqueſt is frequently ſtyled *baſileus* and *imperator*, the titles reſpectively aſſumed by the emperors of the eaſt and weſt. His realm is declared to be an empire, and his crown imperial, by many acts of parliament, particularly the ſtatutes 24 Hen. VIII. c. 12. and 25 Hen. VIII. c. 28. which, at the ſame time, declare the king to be the ſupreme head of the realm in matters both civil and eccleſiaſtical, and in conſequence inferior to no man upon earth, dependent on no man, accountable to no man. Formerly there prevailed a ridiculous notion,

notion, propogated by the German and Italian civilians, that an emperor could do many things which a king could not, and that all kings were in ſome degree ſubordinate and ſubject to the emperor of Germany or Rome. The meaning, therefore, of the legiſlature, when it applies the terms empire and imperial to the realm and crown of England, is to aſſert that our king is equally ſovereign and independent within theſe his dominions, as any emperor is in his empire; and owes no ſubjection to any other potentate on earth.

The prerogatives of the king, ariſing from different circumſtances attending his royal character and office, will be beſt enumerated under certain diſtinct heads.

1ſt. The king by law is *univerſal occupant*.

All property is preſumed to have been originally in the crown; and partitioned out in large diſtricts to the great men who had deſerved well in war, and were able to aſſiſt by advice in time of peace. Hence, it is ſaid, that the king has the direct dominion; and that all lands are held mediately or immediately from the crown. This proprietorſhip, it muſt be obſerved, is a fiction of law, adopted by the conſtitution, to anſwer the ends of government; but for the good of the people, the great object of the law and conſtitution of this country. The right of the people of England to their property does not depend upon, nor was, in fact, derived from any royal grant. The reception of the feudal policy in this nation exactly anſwers the definition of a fiction; which is ſome ſuppoſition in law, for a good reaſon, againſt the real truth of a fact, in a matter poſſible to have been actually performed, according to that ſuppoſition.

In virtue of this claim as univerſal occupant, the king is entitled to land left by the ſudden falling off of the ſea; or of a river wherein there is flux of the ſea.

Lands in many caſes revert to him by *eſcheat*, which ariſes either from defect of heirs, or from the commiſſion of crime by the poſſeſſor of an eſtate.

The king has the ſovereign dominion in all ſeas and great rivers; and in the narrow ſeas which adjoin to the coaſts of England, the king has a right of juriſdiction, which he ordinarily exerciſes by his admiral, and a right of ownerſhip. As a perpetual ſign and acknowledgment of this dominion of the ſeas, he has ſeveral animals reſerved to him under the denomination of royal creatures, as *ſwans*, *ſturgeons*, and *whales*; all which are the natives of ſeas and rivers. To erect a *public port* originally and *de novo*, is a part of the *jus regale* of the crown of England. And it is not competent to a ſubject to inſtitute or erect a common port, or one for peculiar or local accommo-

accommodation, without the charter of the king, or a lawful preſcription. The king only has a prerogative to eſtabliſh *beacons* and *light-houſes*. He has a right to *wrecks* found on his dominion, he being ſovereign of the ſeas, and protector of ſhips and mariners.

By the common law the king has a prerogative in, and is entitled to, all royal *mines of gold and ſilver*; he is entruſted with the *coinage*, and making money current; and he alone can bring the mines and treaſures of any conquered country into uſe, by coining them out into his money.

All *derelict goods*, wherein no man has property, belong to the king; *extra-parochial tythes though of an eccleſiaſtical nature, the goods of perſons dying inteſtate, and without heirs; goods waived*, or thrown away by felons while purſued; *ſtrays*, except where reſerved to the lord of the manor; and *treaſure trove*, that is, treaſure of gold and ſilver hid in the earth, and in which no man has a property: but treaſures of gold and ſilver found on the ſurface of the earth, or in the ſea, belong to the finder. *Fines* and forfeitures for offences at law go to the king as the head of the government; and are given to him as well for the public good as for the increaſe of his revenue.

2d. The king is *intitled to the ſervice and allegiance* of his ſubjects.

All perſons born in any part of the king's dominions, and within his protection, or on the Engliſh ſeas, are his ſubjects; and theſe, by their birth, owe ſuch an inſeparable allegiance to the king, that they cannot, by any act of theirs, renounce or transfer their ſubjection to any foreign prince.

The ſubjects of a foreign prince coming into England, and living under the protection of our king, may, in reſpect of that local allegiance which they owe to him, be guilty of high treaſon; but aliens who, in a hoſtile manner, invade the kingdom, whether their king were at war or peace with ours, and whether they come by themſelves, or in company with Engliſh traitors, cannot be puniſhed as traitors, but ſhall be dealt with by martial law. And if the king of England makes a new conqueſt of any country, the perſons there born are his ſubjects; for, by ſaving the lives of the people conquered, he gains a right and property in them, and may impoſe on them what law he pleaſes. The king has an intereſt in all his ſubjects, and is entitled to their ſervices, and may employ them in ſuch offices as the public good and the nature of our conſtitution require.

The allegiance that is due from every ſubject to the king is of two kinds: 1ſt, Original, virtual, and implied; 2dly, Expreſſed, or declared by oaths or promiſes. The firſt of theſe

ariſes

ariſes from that protection which every ſubject has from the king and the laws. This allegiance cannot be forfeited, cancelled, or altered by any change of place, time, or circumſtances, nor by any thing but the united concurrence of the legiſlature. For it is a principle of univerſal law, that the natural born ſubject of one prince cannot, by any act of his own, no, not by ſwearing fealty to another, put off, or diſcharge his natural allegiance: for this was intrinſic, primitive, and antecedent to the other; and cannot be diveſted without the concurrent act of that prince to whom it was due. The expreſs allegiance, or by oaths and promiſes, is either by the common law, or by particular acts of parliament, and conſiſts principally in ſwearing to maintain the king's ſupremacy in all matters eccleſiaſtical and temporal, and to bear true fidelity and allegiance to him. Theſe oaths muſt be taken by all perſons holding certain ſituations; and the omiſſion is, by the ſtrict letter of the ſtatute, puniſhable by very ſevere penalties.

By the common law, every ſubject may go out of the kingdom for merchandize, travel, or other cauſe, as he pleaſes, without any licence for that purpoſe; but the king, by his prerogative, and without any help of an act of parliament, may prevent his ſubjects from leaving the realm; but this muſt be by ſome expreſs prohibition, as by laying embargoes, which can be only done in time of danger, or by writ of *ne exeat regno*, and, according to the opinion of ſome, by proclamation: and as the king may reſtrain any of his ſubjects from going abroad, in like manner he may command them to return home; and the diſobeying a privy ſeal to this purpoſe is the higheſt contempt, puniſhable by ſeizing the party's eſtate till he return, and then by fine.

3d. As *fountain of juſtice*, the king has other rights and prerogatives.

All juriſdictions exerciſed in theſe kingdoms are derived from the crown; and the laws, whether of a temporal, eccleſiaſtical, or military nature, are called his laws; and it is his prerogative to take care of the due execution of them. Hence, all judges muſt derive their authority from the king, by ſome commiſſion warranted by law; and muſt exerciſe it in a lawful manner, and without deviation from the known and ſtated forms. The ſupremacy of the crown of England, in matters eccleſiaſtical, is a moſt unqueſtionable right, ſo that the king does not recognize any foreign authority ſuperior or equal to him in this kingdom, neither do the laws of the emperor or pope of Rome, as ſuch, bind in the kingdom of England; but all the ſtrength and obligation that either the papal or imperial codes have obtained in this kingdom, ariſes from their being, and having been,

been, received and admitted either by the conſent of parliament, or by immemorial uſage and acceptation in ſome particular courts and matters.

The king, as patron paramount of all the benefices in England, has a right to preſent to all dignities and benefices of the advowſon of biſhopricks and archbiſhopricks during the vacation of the reſpective ſees.

As fountain of juſtice, he has an undoubted prerogative in creating officers; and all officers derive their authority mediately or immediately from him: thoſe of the latter deſcription are called the officers of the crown, and are created by letters patent, ſuch as the great officers of ſtate, judges, &c.

The power of making war or peace is *inter jura ſummi imperii*, and in England is lodged ſingly in the king.

The king, as *parens patriæ*, is, in a particular manner, to take care of all thoſe who, by their want of underſtanding, are incapable of taking care of themſelves and their affairs; infants are, for this reaſon, under the protection of the crown, as are ideots and lunatics. The king, for the public good, has alſo an original right to ſuperintend the care of charities; and in all theſe caſes the application is to the court of Chancery.

The high prerogative of pardoning is inſeparably incident to the crown; and although the power of diſpenſing with laws and granting *non obſtantes*, has ever been looked upon with a jealous eye, yet it has been always held, that the king had this prerogative in certain caſes. The prevailing diſtinction has been, that he cannot, by any previous licence or diſpenſation, make an offence diſpuniſhable which is *malum in ſe*; but that in certain matters which are only *mala prohibita*, he might grant licences to certain perſons, and on ſome ſpecial occaſions. But by the ſtatute 1ſt William and Mary, ſeſſ. 2. c. 2. it is declared and enacted, "That no diſpenſation by *non obſtante* "of or to any ſtatute, or any part thereof, be allowed; but the "ſame ſhall be held void and of none effect, *except a diſpenſa-* "*tion be allowed in ſuch a ſtatute.*"

The king by his prerogative may, in certain caſes, and on ſpecial occaſions, make and iſſue out proclamations for the prevention of offences, to ratify and confirm the ancient law; and ſuch proclamations being grounded on the laws of the realm are of great force. The ſubject is obliged, on pain of fine and impriſonment, to obey every proclamation legally made; and though the thing prohibited were an offence before, yet the proclamation is a circumſtance which highly aggravates it; and upon which alone the party diſobeying may be puniſhed. The king, by proclamation, may call or diſſolve parliaments, declare war or peace, legitimate foreign coin, and make it current money

money of this kingdom, according to the value impoſed by ſuch proclamation; he may legitimate baſe coin, or mixt below the ſtandard of ſterling; enhance coin to a higher denomination or value, and may decry money that is current in uſe and payment. He may, in like manner, appoint faſts and days of thankſgiving and humiliation; iſſue proclamations for preventing and puniſhing immorality and profaneneſs; and enjoin the reading of the ſame in churches and chapels; and may authoriſe the lords of the admiralty to grant letters of marque and repriſal; and in all theſe caſes a proclamation-writ under the great ſeal is neceſſary.

4th. In virtue of the king's prerogative, *the adminiſtration and rules of law differ between him and a private perſon.*

From the dignity of his office and perſon, the law preſumes the king incapable of doing wrong: but if he command an unlawful act to be done, the inſtrument is not thereby indemnified; for, though the king is not under the coercive power of the law, yet, in many caſes, his commands are under its directive power, which conſequently makes the act itſelf invalid, if unlawful, and ſo renders the inſtrument of the execution obnoxious to puniſhment. Upon this general and moſt uſeful principle depend moſt of the diſtinctions between the king and the ſubject, in the adminiſtration of juſtice, and the diſtinction of ſocial rights. It would be too tedious and technical to enumerate in this work all thoſe diſtinctions, but ſome of the moſt material and of the moſt general effect are ſubjoined.

The king cannot arreſt in perſon nor impriſon, nor can he command another to impriſon; but it muſt be done by ſome order, writ, precept, or proceſs of ſome of his courts.

He cannot execute any office relating to the adminiſtration of juſtice, although all ſuch offices derive their authority from the crown, and although he has ſuch offices in him to grant to others.

He cannot be ſeized to an uſe, becauſe there are no means to compel him to perform it; for the Chancery has only a delegated power from the king over the conſciences of his ſubjects; and the king, who is the univerſal judge of property, and who is equally concerned for the good of all his ſubjects, ought to be perfectly indifferent, and not to take upon him the particular defence of any man's eſtate as a truſtee; yet, if an eſtate liable to a truſt, come to the king, the land will, in equity, be equally bound by the truſt in his hands, as in thoſe of a common perſon.

He cannot be tenant, nor can he hold by any ſervice from his ſubjects, nor ſuffer a common recovery; for in ſuch recovery,

covery, he muſt be either tenant or vouchee; and in both caſes the demandant muſt count againſt him, and there muſt be judgment againſt him, which the law does not ſuffer; he may, however, be appointed an executor; but, as it cannot be preſumed that he has ſufficient time and leiſure to engage in a private concern, the law allows him to nominate ſuch perſons as he ſhall think proper to take upon them the execution of the truſt, againſt whom all perſons may bring their actions.

The king, in his natural capacity, may purchaſe lands to him and his heirs; but all lands and poſſeſſions whereof he is ſeized *jure coronæ*, ſhall attend upon and follow the crown. The treaſure and other valuable chattels are ſo neceſſary and incident to the crown, that on the death of the king they go to his ſucceſſor, and not to his executors. The ancient jewels of the crown deſcend in the ſame manner as heir-looms, and are not deviſable by teſtament: but it has been ſaid, that the king may diſpoſe of them in his life-time by letters patent.

The king may reſerve rent out of inheritences which are incorporeal, as commons, tithes, fairs, &c. becauſe, by his prerogative, he may diſtrain in all other the lands of the leſſee.

If lands are given to the king, by deed enrolled, without the words ſucceſſors or heirs, a fee ſimple paſſes; for he is conſidered as a corporation that never dies.

It is an eſtabliſhed principle in law, that where the king's right and that of a ſubject meet at one and the ſame time, the king's ſhall be preferred.

In regard to the operation of acts of parliament on the king, the following general rule has been eſtabliſhed. Where an act is made for the public good, the advancement of religion and juſtice, and to prevent injury and wrong, he ſhall be bound, though not particularly named in it; but where, by a general ſtatute, any prerogative, right, title, or intereſt is diveſted or taken from the king, he ſhall not be bound; unleſs it is made by expreſs words to extend to him. It ſeems, therefore, that the uſual ſaving of the king's right, &c. is only *ex abundanti cautela*, and not of abſolute neceſſity. But the king may take advantage of an act of parliament, though not particularly named.

From the preſumption that the king is daily employed in the weighty and public affairs of government, it has become an eſtabliſhed rule at common law, that no *laches* ſhall be imputed to him, nor is he any way to ſuffer in his intereſts, which are certain and permanent; and this privilege, *quod nullum tempus occurit regi*, has been confirmed by the ſtatute *de prerogativa regis*. But by the ſtatute 9 Geo. III. c. 16. (which is called the *nullum tempus* act), "the king ſhall not ſue, &c. any per-

"ſon

" ſon, &c. for any lands, &c. (except liberties and franchiſes), " on any title which has not firſt accrued within ſixty years " before the commencement of ſuch ſuit, unleſs he has been " anſwered the rents within that time, or they have been in " charge, or ſtood *inſuper* of record, and the ſubject ſhall quietly " enjoy againſt the king, and all claiming under him by patent, " or in any other manner. This extends not to eſtates in re- " verſion or remainder, or limited eſtates. Theſe lands ſhall " be held on the uſual tenures, &c. Putting in charge, ſtand- " ing *inſuper*, &c. are good only when on verdict, demurrer, " or hearing, the lands, &c. have been given, adjudged, or de- " creed to the king." And preſcription is now pleadable againſt the crown even in the caſe of franchiſes and offices; for by ſtat. 32 Geo. III. c. 58. " ſix years poſſeſſion of a corporate " office gives the corporation a preſcriptive title upon an in- " formation in the nature of a *quo warranto*, exhibited by the " attorney-general or other officer on the behalf of the crown, " by virtue of any royal prerogative or otherwiſe. Neither is it " competent to the crown to queſtion any derivative title, " where the perſon from whom it is derived was in exerciſe " *de facto* of the office or franchiſe in virtue of which he com- " municated the title for a like period of ſix years."

The king, though chief and head of the kingdom, may redreſs any injuries he may receive from his ſubjects by ſuch uſual common law actions as are conſiſtent with the royal prerogative and dignity. He may too ſue in Chancery for a matter in equity. A declaration for the king ought regularly to be in the name of his attorney general; though where it was in the name of the king himſelf, viz. *coram domino rege venit dominus rex*, it was, upon demurrer, adjudged good. As the king is the fountain of juſtice, and all courts of juſtice derive their authority from him, he is ſuppoſed to be always preſent in court; and therefore it hath become an eſtabliſhed principle of law, that he cannot be nonſuit in any action or information in which he is ſole plaintiff.

But the more effectual means of aſſerting the rights of the crown and redreſſing its injuries, are thoſe which are obtained by the prerogative modes of proceſs. Such is that by *inquiſition*, or *inqueſt of office*: which is an enquiry made by the king's officer, his ſheriff, coroner, or eſcheator, *virtute officii*, or by writ ſent to them for that purpoſe, or by commiſſioners ſpecially appointed, concerning any matter that entitles the king to the poſſeſſion of lands or tenements, goods or chattels. This is done by a jury of no determinate number; being either twelve, or leſs, or more.

Another prerogative proceſs is an *information* filed in the Exchequer

Exchequer by the Attorney General. This is a method of ſuit for recovering money or other chattels, or for obtaining ſatisfaction in damages for any perſonal wrong, committed in the lands or other poſſeſſions of the crown. It differs from an information filed in the Court of King's Bench, in that this is inſtituted to redreſs a private wrong, by which the property of the crown is affected; that is calculated to puniſh ſome public wrong, or miſdemeanor in the defendant.

Where the king's revenue is concerned in the event of a cauſe, it muſt be removed from any other court where the action is brought, into the Office of Pleas of the Exchequer.

The king cannot be ſued by his ſubjects by writ, for he cannot iſſue a command to himſelf; though it is ſaid in ſome books that, before the time of Edward I., the king might be ſued as a common perſon; the form being: "*Præcipe Henrico Regi Angliæ, &c.*"

The common law methods of obtaining redreſs or reſtitution from the crown, of either real or perſonal property, are, 1. By *petition de droit*, a petition of right. 2. By *monſtrans de droit*, manifeſtation or plea of right; both which may be preferred or proſecuted either in the Chancery or Exchequer.

5th. The king, by virtue of his prerogative, *may make grants and letters patent.*

From the great truſt and confidence repoſed in the king, and the high authority with which he is inveſted, the law has inſeparably annexed to the crown a power of granting and diſpoſing of divers rights and privileges, which cannot be granted or eſtabliſhed by any leſs authority. Of theſe ſome have no exiſtence till ſo created, ſuch as franchiſes, liberties, fairs, markets, hundreds, leets, parks, warrens, which the king only by his perogative can eſtabliſh: and therefore a ſubject cannot built a caſtle, or other place of defence, without the king's licence. There are likewiſe perſonal prerogatives, which the king only can grant, and which are of ſo high a nature, that they cannot be delegated to any other; ſuch as the power of making an alien a denizen, the power of pardoning felonies, &c. The king formerly could enable a town to ſend repreſentatives to parliament; and ſuch grant was good, without firſt incorporating ſuch town. Thus the city of Weſtminſter, which has never been incorporated, firſt ſent members to parliament in the reign of Edward VI. But ſince the union with Scotland, it ſeems that the king could not enlarge the number of Engliſh repreſentatives, becauſe it would alter the proportion then eſtabliſhed. The king may alien, grant, or charge any branch of his revenue, in which he has an eſtate of inheritance, as alſo his lands in fee ſimple, though he is ſeiſed of them *jure coronæ.*

The goods of felons, fugitives, perſons outlawed, &c. waifs, ſtrays, deodands, wreck, &c. are deemed the flowers of the crown, and diſtinguiſhed by that name; and theſe the king may grant. There are three kinds of inheritances which the king may grant, though different as to the manner; which differences ariſe from the nature of his intereſt. 1ſt, All his lands, tenements, rents, commons, &c. he may grant in poſſeſſion, reverſion, or remainder. 2dly, A corody or a preſentation to a church, which he can only grant in poſſeſſion, or when the corody or the church becomes vacant; for of theſe he has only the preſentation or recommendation, and therefore cannot grant them in reverſion. 3dly, Offices which he may grant, but cannot himſelf occupy. The king cannot grant an annuity, for his perſon is not chargeable as the perſon of a ſubject; but, if he grant it out of his revenue, it is good, for there is ſomewhat chargeable.

The king's grant of a monopoly, as of the ſole buying, ſelling, working, making, or uſing of any commodity, is not only void by the common law, but the perſons procuring ſuch grants are ſaid to be puniſhable by fine and impriſonment. But notwithſtanding this, the king may for a reaſonable time grant to a perſon the ſole uſe of any art firſt invented by him; and as this might be done at common law, it is excepted out of the ſtatute of monopolies, 21 Jac. 1. c. 3. Of the king's right to grant the monopoly of printing certain books, as bibles, almanacks, ſtatutes, and proclamations, further notice will be taken in another diviſion of this work. The king's grants, contrary to thoſe of other perſons, are conſtrued moſt favourably to the grantor, except where they are made on a valuable conſideration, and then, for the honour of the king, they are conſtrued moſt favourably for the patentee.

6th, The King *cannot be attainted*, and *is never a minor*.

In the king can be no ſtain or corruption of blood: for if the heir to the crown were attainted of treaſon or felony, and afterwards the crown ſhould deſcend to him, this would *ipſo facto* purge the attainder. And for this reaſon, according to Lord Bacon, when Henry VII., who as earl of Richmond ſtood attainted, came to the crown, it was not neceſſary to paſs an act of parliament to reverſe this attainder.

Neither can the king in judgment of law, as king, ever be a minor or under age; and therefore his royal grants and aſſents to acts of parliament are good, though he has not in his natural capacity attained the age of twenty-one. By a ſtatute indeed, 28 Henry VIII. c. 17. power was given to future kings to reſcind and revoke all acts of parliament that ſhould be made, while they were under the age of twenty-four: but this was repealed

repealed by the ſtatute 1 Edw. VI. c. 2. ſo far as related to that prince; and both ſtatutes are declared to be determined by 24 Geo. II. c. 24.

It has alſo been uſually thought prudent, when the heir apparent has been very young, to appoint a protector, guardian, or regent, for a limited time: but the very neceſſity of ſuch extraordinary proviſion is ſufficient to demonſtrate the truth of that maxim of the common law, that in the king is no minority; and therefore he has no legal guardian. The methods of appointing this guardian or regent have been ſo various, and the duration of his power ſo uncertain, that from hence alone it may be collected that his office is unknown to the common law; and therefore (as ſir Edward Coke ſays) the ſureſt way is to have him made by authority of the great council in parliament. The earl of Pembroke, by his own authority, aſſumed, in very troubleſome times, the regency of Henry III., who was then only nine years old; but was declared of full age by the pope at ſeventeen, confirmed the great charter at eighteen, and took upon him the adminiſtration of the government at twenty. A guardian and council of regency were named for Edward III., by the parliament which depoſed his father; the young king being then fifteen, and not aſſuming the government till three years after. When Richard II. ſucceeded at the age of eleven, the duke of Lancaſter took upon him the management of the kingdom, till the parliament met, which appointed a nominal council to aſſiſt him. Henry V. on his death-bed named a regent, and a guardian for his infant ſon Henry VI., then nine months old: but the parliament altered his diſpoſition, and appointed a protector and council with a ſpecial, limited authority. Both theſe princes remained in a ſtate of pupillage till the age of twenty-three. Edward V. at the age of thirteen, was recommended by his father to the care of the duke of Gloceſter, who was declared protector by the privy council. The ſtatutes 25 Henry VIII. c. 12. and 28 Henry VIII. c. 7. provided, that the ſucceſſor, if a male, and under eighteen, or if a female, and under ſixteen, ſhould be till ſuch age in the government of his or her natural mother, (if approved by the king,) and ſuch other counſellors as his majeſty ſhould by will or otherwiſe appoint; and he accordingly appointed his ſixteen executors to have the government of his ſon Edward VI., and the kingdom, which executors elected the earl of Hertford protector. The ſtatute 24 Geo. II. c. 24. in caſe the crown ſhould deſcend to any of the children of Frederick, late prince of Wales, under the age of eighteen, appointed the princeſs dowager; and that of 5 Geo. III. c. 27. in caſe of a like deſcent to any of his preſent majeſty's children, empowered

the king to name either the queen, the princeſs dowager, or any deſcendants of king George II. reſiding in this kingdom; to be guardian and regent, till the ſucceſſor ſhould attain ſuch age, aſſiſted by a council of regency: the powers of all being expreſsly defined and ſpecified in the ſeveral acts.

In another caſe, that of grievous illneſs, depriving the monarch of the power of exerciſing the high functions of his office, it has alſo been practically decided that the two houſes of parliament can legally aſſemble, and by their authority appoint a regent or regency for that interval, ſelecting the perſons ſo to be intruſted according to their diſcretion, and defining and limiting the ſcope of their juriſdiction, and the extent of their powers.

Revenues. In diſcuſſing the revenues of the crown in this place, it is not intended to conſider, according to the legal underſtanding of the matter, that all the ſupplies granted by parliament are given to the king, but to mention ſuch only as are ſuppoſed to be peculiarly applied to his own perſonal advantage, and to the maintenance of the ſplendour and dignity of the throne.

Many rights of the crown which were, in former days, ſources of profit to the ſovereign, have already been mentioned under the head of prerogatives, becauſe, in fact, they have long ceaſed to produce emolument, ſome having fallen into diſuſe, and others having been ſo long and ſo abſolutely alienated, that lords of manors and other ſubjects frequently look upon them to be their own abſolute inherent rights; becauſe they are and have been veſted in them and their anceſtors for ages, though in reality originally derived from the grants of our ancient princes. Among theſe may be reckoned, 1ſt, *The cuſtody of the temporalities of biſhops*, a revenue which was formerly very conſiderable, but now, by a cuſtomary indulgence, almoſt reduced to nothing: for, at preſent, as ſoon as the new biſhop is conſecrated and confirmed, he uſually receives the reſtitution of his temporalities entire, and untouched, from the king; and at the ſame time does homage to his ſovereign: and then, and not ſooner, he has a fee ſimple in his biſhoprick, and may maintain an action for the profits. 2d, The *corody* or right of ſending one of his chaplains to be maintained by the biſhop, or to have a penſion allowed him till the biſhop promotes him to a benefice, which has fallen into diſuſe. 3d, The *tythes in extra-parochial places*, which were always held in truſt to be diſtributed for the general good of the clergy. 4th, The *firſt fruits and tenths*, the revenue of which, by the pious bounty of queen Anne, is veſted for ever in truſtees, to form a perpetual fund for the augmentation of poor livings. 5th, The *demeſne lands*

lands of the crown, which were anciently very large and extenſive, but have now been almoſt entirely granted away for ever, or on very long leaſes. 6th, In former times, too, the ſovereign derived a great, though not a very honourable, emolument from the prerogative of *purveyance* and *pre-emption*: which was a right of buying up proviſions and other neceſſaries, by the intervention of the king's purveyors, for the uſe of his royal houſehold, at an appraiſed valuation, in preference to all others, and even without conſent of the owner; and alſo of forcibly impreſſing the carriages and horſes of the ſubjects, to do his buſineſs on the public roads, in the conveyance of timber, and baggage, however inconvenient to the proprietor, upon paying him a ſettled price. Theſe powers having fallen into diſuſe during the ſuſpenſion of monarchy, Charles II. at his reſtoration, conſented to reſign entirely theſe branches of his revenue and power; and the parliament, in recompence, ſettled on him, his heirs and ſucceſſors, for ever, the hereditary exciſe of fifteen pence per barrel, on all beer and ale ſold in the kingdom, and a proportionable ſum for certain other liquors. 7th, *Wine licences* alſo produced in former times a revenue to the king, but this was exchanged by the ſtat. 30 Geo. II. for 7000*l. per. annum*, iſſuing out of the ſtamp duties. 8th, The *foreſts*, and their laws, afforded ſums of money to the king by amercements and fines; but theſe odious, oppreſſive, and unpopular courts have been diſcontinued ſince the reign of Charles I. 9th, The *fines*, *forfeitures*, *recognizances*, *and ſome other perquiſites in ordinary courts*, belonged alſo to the king; but theſe, in proceſs of time, have been almoſt all granted out to private perſons, or elſe appropriated to certain particular uſes: ſo that, though the law proceedings are ſtill loaded with their payment, very little of them is now returned into the king's exchequer; for a part of whoſe royal maintenance they were originally intended. 10th, *Royal fiſh* have already been mentioned as matters of prerogative, but they muſt be conſidered rather as honorary than profitable claims. 11th, *Wrecks*, with the dependent circumſtances of *jetſam*, (or goods thrown into the ſea where they ſink); *flotſam*, (or goods which are thrown in and float); and *ligan*, (or goods which are ſunk but their poſition indicated by a buoy,) are the property of the king, or his grantees, the lords of manors; but the humanity of modern days renders theſe a very inconſiderable ſource of profit. 12th, The property reſerved to the king in *gold and ſilver mines*, was formerly a mean of oppreſſion on the ſubject, becauſe it was held that, by the common law, his majeſty was entitled to all the baſer ore in any mine, if it contained any portion of thoſe precious metals: this was remedied by two ſtatutes of William-

liam and Mary, which enact that no mines of copper, tin, iron, or lead, ſhall be looked upon as royal mines, notwithſtanding gold and ſilver may be extracted from them in any quantities: but that the king, or perſons claiming royal mines under his authority, may have the ore, (other than tin-ore in the counties of Devon and Cornwall,) paying for the ſame a price ſtated in the act. This was an extremely reaſonable law: for now private owners are not diſcouraged from working mines, through a fear that they may be claimed as royal ones; neither does the king depart from the juſt right of his revenue, ſince he may have all the precious metal contained in the ore, paying no more for it than the value of the baſe metal which it is ſuppoſed to be; to which baſe metal the land owner is by reaſon and law entitled. 13th, *Treaſure-trove*, and *waifs*, which have already been mentioned; *eſtrays*, or valuable cattle found wandering without any certain owner; *forfeitures of lands or goods for offences; deodands*, or thoſe things which are the immediate cauſe of violent death to any human being, as well as *wrecks*, *mines*, and *royal fiſh*, are for the moſt part granted out to the lords of manors, or other liberties, and therefore no longer productive to the king; and in the preſent ſtate of ſociety, the ſame may be ſaid of *eſcheats*, or the ſucceſſion to lands for want of heirs. 14th, The cuſtody of *idiots* and *lunatics*, in former times, was productive of an ill-gotten revenue; but in the improved ſtate of modern juriſprudence, the king's guardianſhip over thoſe unfortunate perſons is merely protective and beneficial.

In theſe particulars conſiſted the king's ordinary revenue, or the proper patrimony of the crown, which was very large formerly, and capable of being increaſed to a magnitude truly formidable. But, fortunately for the liberty of the ſubject, this hereditary landed revenue, by a ſeries of improvident management, is ſunk almoſt to nothing; and almoſt all the caſual profits, ariſing from the other branches of the *cenſus regalis*, are likewiſe alienated: in order to ſupply the deficiences of which, we are now obliged to have recourſe to new methods of raiſing money, unknown to our early anceſtors; which methods conſtitute the king's extraordinary revenue, a portion of which is denominated the civil liſt.

The civil liſt is indeed, properly, the whole of the king's revenue, in his own diſtinct capacity; the reſt being rather the revenue of the public, or its creditors, though collected and diſtributed again, in the name and by the officers of the crown: it now ſtanding in the ſame place, as the hereditary income did formerly; and as that has gradually diminiſhed, the parliamentary appointments have increaſed. In the late reigns, the

produce

produce of certain branches of the exciſe and cuſtoms, the poſt office, the duty on wine licences, the revenues of the remaining crown lands, the profits ariſing from courts of juſtice, (which articles include all the hereditary revenues of the crown,) and alſo a clear annuity of 120,000*l.* in money, were ſettled on the king for life, for the ſupport of his majeſty's houſehold, and the honour and dignity of the crown. And as the amount of theſe ſeveral branches was uncertain, (though in the laſt reign they were computed to have ſometimes amounted to almoſt a million,) if they did not ariſe annually to 800,000*l.* the parliament engaged to make up the deficiency. But his preſent majeſty having, ſoon after his acceſſion, ſpontaneouſly ſignified his conſent, that his own hereditary revenues might be ſo diſpoſed of as might beſt conduce to the utility and ſatisfaction of the public; and having graciouſly accepted the limited ſum of 800,000*l. per. annum*, for the ſupport of his civil liſt; the hereditary and other revenues, were carried into and made a part of the aggregate fund, which fund was charged with the payment of the whole annuity to the crown of 800,000*l.*, and this ſum being found inſufficient, was increaſed in 1777, to 900,000*l. per annum.* Hereby the revenues themſelves, being put under the ſame care and management as the other branches of the public patrimony, produce more, and are better collected than heretofore; and the public is ſtill a great gainer, by this diſintereſted conduct of his majeſty.

The expences defrayed by the civil liſt are thoſe that in any ſhape relate to civil government; as, the expences of the royal houſehold; the revenues allotted to the judges, previous to the year 1758; all ſalaries to officers of ſtate, and every of the king's ſervants; the appointments to foreign embaſſadors; the maintenance of the queen and royal family, the king's private expences, or privy purſe; and other very numerous out-goings, as ſecret ſervice money, penſions, and other bounties: which ſometimes have ſo far exceeded the revenues appointed for that purpoſe, that application has been made to parliament to diſcharge the debts contracted on the civil liſt. The income of the civil liſt, by the experience of ſo many years, having proved inadequate, a committee was appointed, on the 16th of March, 1803, to conſider of the charges on that branch of the revenue, and to report the ſame, together with their opinion thereupon to the houſe; and as it has been found that a material deficiency has ariſen for ſeveral years paſt, and the reſult has been an augmentation of this revenue to 1,000,000*l. per. annum.*

On the ſubject of the civil liſt, it may be proper to add, that it would be extremely deſirable to get rid of a number of trifling payments, with which the accounts of that branch of

our expenditure are at preſent encumbered, which might be done, by advancing a certain ſum to the bank, on its undertaking to pay thoſe allowances; and perhaps it might be expedient, even to diminiſh the amount of the civil liſt, and to pay the judges, the foreign miniſters, &c. from other funds. People ſuppoſe, becauſe 1,000,000*l. per annum* are granted to the crown, that all that ſum is expended by the royal family, whereas the perſonal expences, and allowances made to them, are extremely moderate, and cannot be objected to by any one who is at all aware of the advantages which neceſſarily reſult from the monarchical part of the conſtitution.

The following is a ſhort ſtatement of the allowances actually paid to all the branches of the royal family, not only from the civil liſt, but from the conſolidated fund whence the general expences of government are defrayed.

The PENSIONS and ALLOWANCES to the ROYAL FAMILY.

From the *Civil Liſt.*

	Annual Sum.
His Majeſty's privy purſe, - - - -	£ 60,000
The Queen, - - - - - -	58,000
The Prince of Wales, - - - - -	60,000
Princeſs Charlotte of Wales, - - - -	6,000
Ducheſs Dowager of Cumberland, - -	4,000
	188,000

From the *Conſolidated Fund.*

Prince of Wales, - - - -	£ 65,000	
Duke of Gloceſter, - - - -	17,000	
Duke of York, - - - -	14,000	
Ducheſs of York, - - - -	4,000	
Dukes of Clarence, Kent, Cumberland, Cambridge, and Suſſex, 12,000*l.* each.	60,000	
		160,000
		348,000

DUTIES. In conſideration of the dignities and prerogatives already deſcribed, certain duties are, by the conſtitution, incumbent on the king, it being a maxim in the law that protection and ſubjection are reciprocal.

The principal duty of the king is, to govern his people according to law. *Nec regibus infinita aut libera poteſtas*, was the

the conſtitution of our German anceſtors on the continent. And this is not only conſonant to the principles of nature, liberty, reaſon, and ſociety, but has always been eſteemed an expreſs part of the common law of England, even when prerogative was at the higheſt. "The King," ſays Bracton, who wrote under Henry III., "ought not to be ſubject to man, but to "God, and to the law; for the law maketh the king. Let the "king therefore render to the law, what the law has inveſted "in him with regard to others; dominion and power: for he "is not truly king, where will and pleaſure rules, and not law." And again, "The king alſo hath a ſuperior, namely God, and "alſo the law, by which he was made king." Thus Bracton: and Forteſcue alſo, having firſt well diſtinguiſhed between a monarchy abſolutely and deſpotically regal, which is introduced by conqueſt and violence, and a political or civil monarchy, which ariſes from mutual conſent, (of which laſt ſpecies he aſſerts the government of England to be,) immediately lays it down as a principle, that "The king of England muſt rule his "people according to the decrees of the laws thereof: inſo-"much that he is bound by an oath at his coronation to the "obſervance and keeping his own laws."

But, to obviate all doubts and difficulties concerning this matter, it is expreſsly declared by ſtatute 12 and 13 W. III. c. 2. "That the laws of England are the birthright of the people "thereof; and all the kings and queens, who ſhall aſcend the "throne of this realm, ought to adminiſter the government of "the ſame according to the ſaid laws; and all their officers "and miniſters ought to ſerve them reſpectively according to "the ſame: and therefore all the laws and ſtatutes of this "realm, for ſecuring the eſtabliſhed religion, and the rights "and liberties of the people thereof, and all other laws and "ſtatutes of the ſame now in force, are ratified and confirmed "accordingly."

To the performance of this great duty, the king is bound by his coronation oath, which, by the ſtatute 1 W. and M. ſeſſ. 1. c. 6. is to be adminiſtered to every king and queen, who ſhall ſucceed to the imperial crown of theſe realms, by one of the archbiſhops or biſhops, in preſence of all the people; who, on their parts, do reciprocally take the oath of allegiance to the crown. This coronation oath is conceived in the following terms:

"The *archbiſhop or biſhop ſhall ſay*,—Will you ſolemnly "promiſe and ſwear to govern the people of this kingdom of "England, and the dominions thereto belonging, according "to the ſtatutes in parliament agreed on, and the laws and "cuſtoms of the ſame? *The king or queen ſhall ſay*,—I ſolemnly "promiſe

" promiſe ſo to do? *Archbiſhop or biſhop.*—Will you to your " power cauſe law and juſtice, in mercy, to be executed in all " your judgments? *King or queen.*—I will. *Archbiſhop or* " *biſhop.*—Will you, to the utmoſt of your power, maintain the " laws of God, the true profeſſion of the goſpel, and the Pro- " teſtant reformed religion eſtabliſhed by the law? And will " you preſerve unto the biſhops and clergy of this realm, and " the churches committed to their charge, all ſuch rights and " privileges as by law do or ſhall appertain unto them, or any " of them? *King or queen.*—All this I promiſe to do. After " this the king or queen, laying his or her hand upon the holy " goſpels, ſhall ſay, The things which I have here before pro- " miſed I will perform and keep: ſo help me God: and then " ſhall kiſs the book." And it is required, both by the bill of rights and the act of ſettlement, that every king and queen of the age of twelve years, either at their coronation, or on the firſt day of the firſt parliament, upon the throne in the houſe of peers, (which ſhall firſt happen,) ſhall repeat and ſubſcribe the declaration againſt popery. The impoſition of a coronation oath is no novelty in the Britiſh conſtitution; it has been uſed from the moſt ancient times; that required, and at preſent taken, ſeems to include all the duties that a monarch can owe to his people.

RESTRAINTS. From the foregoing view, if the king's prerogative alone were conſidered, his authority would appear to exceed the bounds of a limited monarchy; he unites in himſelf all the branches of the executive power, he diſpoſes of the whole military force in the ſtate, and convokes and diſmiſſes, at his will, the legiſlative bodies; but the repreſentatives of the people ſtill have, in their hands, the ſame powerful weapon which has enabled their anceſtors to eſtabliſh the conſtitution; it is ſtill, from their liberality alone, that the king can obtain ſubſidies; and in theſe days, when every thing is rated by pecuniary eſtimation, when gold is become the great moving ſpring of affairs, it may be ſafely affirmed, that he who depends on the will of others with regard to ſo important an article, is, whatever his power may be in other reſpects, in a ſtate of real dependence.

This is the caſe of the king of England. He has, in that capacity, and without the grant of his people, ſcarcely any revenue. He has the prerogative of commanding armies, and equipping fleets; but without the concurrence of his parliament he cannot maintain them. He can beſtow places and employments; but without his parliament he cannot pay the ſalaries. He can declare war; but without his parliament it is impoſſible for him to carry it on. The king is inveſted with

the exclusive right of assembling parliaments; yet by law he must assemble one at least once in three years, and necessity will compel him to assemble it much oftener. He is the head of the church; but he can neither alter the established religion, nor call individuals to account for their religious opinions. He cannot even profess the religion which the legislature has particularly forbidden; and the prince who should profess it, is declared incapable of inheriting, possessing, or enjoying, the crown. The king is the first magistrate; but he can make no change in the maxims and forms consecrated by law or custom; he cannot even influence, in any case whatever, the decision of causes between subject and subject. He cannot create any new office, inconsistent with the constitution, or prejudicial to the subject; and although crimes are prosecuted in his name, he cannot refuse to lend it to any persons who have complaints to prefer. The king has the privilege of coining money; but he cannot alter the standard. He has the power of pardoning offenders; but he cannot exempt them from making a compensation to the parties injured. It is even established by law, that, in a case of murder, the widow shall have a right to prosecute the murderer; and in such case, the king's pardon, whether it preceded the verdict, or were granted afterwards, cannot have any effect. Even with the military power he is not absolute, since it is declared in the Bill of Rights, that a standing army without the consent of parliament is against law. The king himself cannot be arraigned before judges; but if any abuse of power is committed, or in general any thing done contrary to the public weal, the prosecution is instituted against those who have been either the instruments, or the advisers of the measure. Such delinquents are impeached and tried before the house of lords, in which it would be of no avail to plead the king's command, or to produce his pardon. A dissolution of parliament does not abate an impeachment; the king can neither stop nor suspend its course, but is forced to behold, as an inactive spectator, the discovery of the share which he may himself have had in the illegal proceedings of his servants, and to hear his own sentence in the condemnation of his ministers. These great restraints on prerogative, added to the independence of the judges, established by his present majesty, and the uncontrolled freedom of speech in parliament secured by the Bill of Rights, may safely be affirmed to afford every guarantee which a judicious jealously can require.

Household. The principal household establishments maintained by his majesty are:

1st. *The palace of St. James's*, which was erected by Henry VIII.,

VIII., rather as an adjunct to York-Houſe, or Whitehall, than as a ſeparate abode of royalty. This is now however the place where the king keeps his court, and whence all proclamations and acts of council are iſſued; and the court and cabinet of St. James's are ſpoken of by foreigners as comprizing the executive government of Great Britain. Theſe acts in fact emanate from the council ſitting at Whitehall, but that is no longer conſidered as a royal palace, all its parts which remain in the poſſeſſion of the crown being converted into public offices. To this palace, St. James's Park, and Hyde Park, may be conſidered as appendages.

2d. *Windſor Caſtle*, with the Great and Little Parks. This caſtle, ſituated in the county of Berks, is ſaid to have been founded before the Conqueſt; it was rebuilt by William the Conqueror, and repaired by Henry I. In the treaty of peace between Henry II. and Stephen, it is called *Mota de Windſor*; and when Richard I. went to the Holy Land, and left the government to the biſhops of Ely and Durham, the former taking up his reſidence in the Tower of London, the latter occupied this place, as the next ſtrongeſt hold in the kingdom. Eleanor, queen of Edward I., took great delight in it, and was here delivered of four of her children. Her grandſon Edward III., his ſon William, and Henry VI., were alſo born here. It owes moſt of its preſent magnificence to the attachment of Edward III. to the place of his birth. He built the royal palace, with its chapel, and St. George's-hall, the lodgings on the eaſt and ſouth ſides of the inner court, the tower on the keep, the chapel of St. George, and the apartments for the dean and canons, with all the walls, towers, and gates, as they now ſtand. St. George's chapel was rebuilt by Edward IV.; Henry VII. added the ſtately fabric adjoining to the king's lodgings. This chapel is a moſt beautiful Gothic building, and has been recently repaired and decorated, under the auſpices of his majeſty. On each ſide are the ſtalls of the ſovereign and knights of the garter, with the inſignia over each ſtall. The prebendal houſes were erected in form of a fetter-lock, by Henry VIII., who alſo built the great gate to the outer court; as did Edward VI. and Mary a curious fountain for ſupplying the whole caſtle with water from Blackmore Park, near Wingfield. Elizabeth made the terrace. Charles the II. gave the armory, beſides repairing and furniſhing the whole caſtle; and James II. and William III. farther adorned the apartments with paintings. The caſtle covers ſomewhat more than twelve acres, and is divided into three wards, called the outer, the inner ſquare, and the tower. In the middle of the ſecond is an equeſtrian ſtatue of Charles II. Windſor has been the favourite reſidence

reſidence of his preſent majeſty, who, while he enjoys the recreations of the country, adds to them the purſuit of agriculture on a moſt liberal and princely ſcale. The Little Park is about three miles in circumference, the Great Park is computed at thirty, and Windſor Foreſt at fifty.

3d. *Richmond Palace* in Surry; where Edward I., II., and III. reſided; and the laſt died. Richard II. alſo reſided here, but being diſguſted with the place, on the death of the queen, afterwards deſerted and let it run to decay. Henry V. repaired and founded three religious houſes near it. In 1497, this palace was deſtroyed by fire, when Henry VII. was there; but in 1501, that prince cauſed it to be new built, and commanded that the village, which was before known by the name of Sheen, ſhould be called Richmond, in honour of the title which he had borne before his acceſſion to the throne. Henry VII., and his grand-daughter, queen Elizabeth, died there. The preſent palace, which is finely ſituated, is a very plain edifice, built by the duke of Ormond, who received a grant of a conſiderable ſpace of land about Richmond, from William III., as a reward for his military ſervices; but it devolved to the crown on that duke's attainder, in the beginning of the reign of George I. It is not now inhabited by any of the royal family, but the gardens which are well laid out are, during the ſummer ſeaſon, a faſhionable walk. Contiguous to theſe are Kew gardens, where art has done her utmoſt in collecting and propagating the moſt curious exotics.

4th. *Kew Palace*, which is now building and nearly completed for the abode of his majeſty; it is a beautiful Gothic edifice, on the banks of the Thames.

5th. *Hampton-Court Palace*, which was built by cardinal Wolſey, and by him given to Henry VIII., by whom it was conſiderably enlarged. Henry appears to have been much delighted with this palace, as was his ſon and ſucceſſor Edward VI., who was born there. Queen Mary and queen Elizabeth alſo frequently honoured it with their preſence, and, on the 14th January, 1603-4, it was the ſcene of the celebrated conference between the Preſbyterians and the members of the eſtabliſhed church, at which James I. preſided as moderator. It was maintained in a withdrawing-room within the privy chamber, on the ſubject of conformity. The divines who appeared on the part of the Preſbyterians were, Dr. Reynolds, and Dr. Sparks, Mr. Knewſtubs, and Mr. Chaderton; on the part of the eſtabliſhed church, archbiſhop Whitgift, biſhops Bancroft, Matthew, Bilſon, Babington, Rudd, Watſon, Robinſon, and Dove, Drs. Andrews, Overall, [illegible], Field, King, and others. All the lords of the council were preſent.

preſent, and ſpoke occaſionally on the ſubject of the conference, which laſted three days. In conſequence of this conference, a new tranſlation of the Bible was ordered, and ſome alterations made in the liturgy. King Charles I. retired to Hampton-Court on account of the plague in 1625, when a proclamation was publiſhed prohibiting all communication between London, Southwark, or Lambeth, and this place, and ſeveral embaſſadors had audiences there. The ſame unfortunate prince was brought to this palace by the army, on the 24th Auguſt, 1647. Here he reſided in ſplendid impriſonment, being allowed to keep up the ſtate and retinue of a court, till the 11th of November, when he made his eſcape, accompanied by ſir John Berkeley, Mr. Aſhburnham, and Mr. Legge. In 1651, the honour and palace of Hampton-Court were ſold to John Phelps and others, creditors of the ſtate; but before 1657, it came into the poſſeſſion of Cromwell, who made it one of his principal reſidences. This palace was occaſionally inhabited by Charles II. and James II. King William, who reſided much at Hampton-Court, pulled down a great part of the old palace, which then conſiſted of five quadrangles, and employed ſir Chriſtopher Wren to build on its ſite the Fountain Court, which contains the ſtate apartments. Queen Anne, (being then princeſs of Denmark), was brought to bed of the duke of Gloceſter at Hampton-Court, July 24, 1689. She reſided there occaſionally after her acceſſion to the throne, as did her two ſucceſſors, George I. and George II.; but the palace has never been inhabited by his preſent majeſty. His ſerene highneſs the prince of Orange having quitted his own dominions, in the month of January 1795, in conſequence of the revolution in Holland, found an aſylum in this palace. In its preſent ſtate it conſiſts of three principal quadrangles; and in extent, and magnificence, it exceeds any of the royal palaces. The weſtern quadrangle or entrance court is 167 feet from north to ſouth, and 141 feet from eaſt to weſt. It is divided into ſeveral ſuites of apartments, which are occupied by private families, having grants for life from the crown. The middle quadrangle meaſures 133 feet from north to ſouth, and 92 feet from eaſt to weſt: it is called the clock court, from a curious aſtronomical clock which is placed over the gateway on the eaſt ſide. On the north ſide is the great hall, which certainly was not finiſhed till 1536 or 1537, as appears from the initials of the king and Jane Seymour, joined by a true lover's knot, amongſt the decorations. This room is 106 feet in length, and 40 in breadth. It was fitted up as a theatre by George I. in 1718, but little uſed for that purpoſe, though the building erected to forward the plan was ſuffered to remain till 1798.

The

The eaſtern quadrangle, or Fountain Court, was built by ſir Chriſtopher Wren for William III., in 1690. Its dimenſions are 110 feet, by 117 feet. The palace is adorned with many good pictures; it is ſupplied with water by a conduit from Combe, near Kingſton, and by a canal brought from the Iſleworth river near Longford, both which works are ſaid to have been undertaken and finiſhed by cardinal Wolſey. The pleaſure gardens contain 44 acres, the kitchen garden 12; it is much celebrated for a vine, which is trained in a green-houſe, and has been known in one year to produce 2200 pounds of grapes. The parks belonging to this palace are the deer and hare parks of inconſiderable extent, and Buſhy park which contains 1100 acres.

6th. *Kenſington Palace.* This was the ſeat of ſir Heneage Finch, afterwards earl of Nottingham, and Lord Chancellor of England, whoſe ſon, the ſecond earl, ſold it to William III., ſoon after his acceſſion. This palace was the frequent reſidence of king William and his royal conſort; and of queen Anne, George I., and the late king. Theſe monarchs (George I. excepted, who died at Hanover) all drew their laſt breath within its walls, as did George prince of Denmark, queen Anne's conſort, in 1708. During the preſent reign, Kenſington has been entirely forſaken by the royal family. It is a large irregular edifice, built at various times. The ſtate apartments conſiſt of a ſuite of twelve rooms. The great ſtaircaſe, which was painted by Kent, exhibits a group of ſeveral portraits; and the palace contains a good collection of pictures by the old maſters, and many valuable and intereſting portraits. Kenſington gardens were originally twenty-ſix acres; queen Anne added thirty acres, which were laid out by her gardener, Mr. Wiſe; but the principal addition was made by the late queen Caroline, who took in near 300 acres out of Hyde Park, which were laid out by Bridgman. The gardens are now three miles and a half in circumference. The broad walk, which extends from the palace along the ſouth ſide, is, in the ſpring, a faſhionable promenade.

Beſide theſe, which actually are, or poſſibly may be, royal reſidences, the king has the following foreſts, chaſes, and caſtles, in more remote parts of the kingdom, each of which has a ranger, governor, keeper, or other officer maintained at the king's charge, although his majeſty neither viſits the places, nor derives from them any augmentation of income. 1ſt, The New Foreſt in Hampſhire; 2d, Sherwood Foreſt in the county of Nottingham; 3d, Greenwich Park in Kent; 4th, Enfield Chaſe in Middleſex; 5th, Epping Foreſt in Eſſex; 6th, Salcey Foreſt in Northamptonſhire; 7th, Geddington Chaſe in Northamptonſhire;

amptonſhire; 8th, Dartmore Foreſt in Devonſhire, 9th, Wichwood Foreſt in Oxfordſhire; 10th, Whittlebury Foreſt in Northumberlandſhire; 11th, Waltham Foreſt in Lincolnſhire; 12th, Rockingham Foreſt in Northamptonſhire; 13th, Richmond Foreſt in Yorkſhire; 14th, Bromſulom Yule manor; 15th, St. Brieval's Caſtle, and the Foreſt of Dean in Glouceſterſhire; 16th, Glouceſter Caſtle; 17th, Middleham Caſtle Yorkſhire.

OFFICERS of the KING'S HOUSEHOLD. *Lord Chamberlain.* The lord chamberlain of the king's houſe, or king's chamberlain, or lord chamberlain of the houſehold, as he is commonly called, is an officer of great honour and truſt, and his office is of very high antiquity: the title is from the French word *Chambellan*; in Latin it is called *Cubicularius*, or *Præfectus Cubiculi*, but moſt commonly *Camerarius Hoſpitii*. He has the control of all the officers above ſtairs, except the precinct of the king's bed-chamber, which is under the government of the groom of the ſtole; of the king's chaplains, notwithanding he is a layman; of the officers of the ſtanding and removing wardrobes, beds, tents, revels, muſic, comedians, hunting, and all the phyſicians, apothecaries, ſurgeons, barbers, meſſengers, trumpets, drummers, tradeſmen, and artiſans retained in his majeſty's ſervice. All officers in his department are ſworn into office by him; and they take an oath to be true to the king and the truſt repoſed in them. He has 100*l. per. annum* wages, and 1100*l.* board-wages. In virtue of his ſituation he precedes dukes; he is always of the privy council, and wears a gold key as the emblem of his office.

Vice Chamberlain. Under the lord chamberlain is a vice chamberlain, who, in his abſence ſupplies his place, and is veſted with the ſame powers. He has 600*l.* a-year wages, and 559*l.* 8*s.* 4*d.* board-wages. He is, likewiſe, always a member of the privy council.

In the lord chamberlain's office are a ſecretary, with ſeveral clerks, porters, and meſſengers.

Groom of the Stole. He is firſt lord of the bed-chamber, and by his office has the cuſtody of the long robe or veſtment worn by the king on ſolemn occaſions, and called the *Stole*. He has the direction of all things relating to the king's bed-chamber. It is his office to preſent or put on the king's ſhirt every morning; but in his abſence, it is done by one of the lords of the bed-chamber. He wears a gold key as his emblem of office, and has an annual ſalary of 2000*l.*

The Lords of the Bed-Chamber are twelve in number, in ſubordination to the groom of the ſtole, and each of them has an annual ſalary of 1000*l.*

The Grooms of the Bedchamber are fourteen, and have each a ſalary of 500*l.*; and there is an indefinite number of

Gentlemen of the Privy Chamber. This eſtabliſhment was formed by Henry VII. and has been continued ever ſince. The chief end of the inſtitution was that theſe gentlemen might attend the king and queen at court, in their diverſions, progreſſes, and on all emergent occaſions: ſix of theſe gentlemen are conſtantly appointed by the lord chamberlain, with a nobleman and maſter of the ceremonies, to accompany foreign embaſſadors in their public entries, and to their audiences. At every coronation, two of them in ducal robes, perſonate the dukes of Aquitain and Normandy. At all public ſolemnities they are appointed to their ſtations by the heralds, to go next to the privy counſellors who are not peers; and whenever the king goes to parliament by water, two of this ſociety have place in the ſame barge; they likewiſe kneel on the ſecond ſtep of the throne, where no other officers are allowed to interpoſe before them. As a particular mark of royal favour and truſt, theſe gentlemen are impowered to execute the king's commands, without producing any written orders, their perſons and characters being ſufficient authority.

The Maſter of the Ceremonies was inſtituted by James I., for the more honourable reception of embaſſadors and ſtrangers of quality; it is his duty to attend and regulate all matters of etiquette in the drawing room and the levee, and on all occaſions where the ſtate of a court is to be maintained. The badge of his office is a chain of gold with a medal, having on one ſide under the crown of England an emblem of peace, with king James's motto, *Beati pacifici*, and on the other an emblem of war, with *Dieu et mon droit*; his ſalary is 300*l.* a-year, and he has an aſſiſtant who receives ſix ſhillings and eight pence a-day.

Gentlemen Uſhers of the Privy Chamber; they are four in number, and their office is to wait in the preſence chamber, to attend next the king's perſon, and order all affairs, after the lord chamberlain, and the vice-chamberlain; all under officers above ſtairs are to obey them: their ſalaries are 200*l.* each.

Maſter of the Robes; who has a ſalary of 800*l.*, and under whom are a groom and clerk.

Examiner of Plays; previouſly to their being repreſented on the theatre; ſalary 400*l.*

Poet Laureat; whoſe duty it is to celebrate with odes, the new year, and the anniverſary of his majeſty's birth; the ſalary 100*l.*

Theſe officers are all in the lord chamberlain's department,

which alſo includes a vaſt number more, too tedious to enumerate; from his office proceed the appointments of a great number of officers in the various royal abodes; the keeper of antiques and librarian, the various artiſts, the phyſicians in ordinary and extraordinary, ſurgeons, oculiſts, and dentiſts, the band of muſicians, and all the mechanics, or artiſans, who work for the royal houſehold.

The houſekeepers of the different palaces, and the rangers and other officers of the various foreſts, and parks, and the officers of the king's land revenue, are alſo in the ſame department, and ſome have conſiderable ſalaries: as

	£.	s.	d.	
The *Houſekeeper at Windſor Caſtle*,	320	0	0	a-year.
The *Keeper of Windſor Little Park*,	600	0	0	
Richmond Deputy Ranger North of Trent,	2450	0	0	
South of Trent, - - - - -	3466	13	4	
Surveyor General of the King's Woods, Oaks, Foreſts, and Chaſes, -	3000	0	0	
Surveyor General of the Crown Lands,	1000	0	0	
Deputy, - - - - - -	500	0	0	
Regiſtrar, - - - - -	400	0	0	

The regulation of his majeſty's chapel, and the times in which the various preachers ſhall officiate, belongs alſo to the lord chamberlain.

The next officer, to whoſe care a conſiderable portion of the royal houſehold is entruſted, is

The Lord High Steward. This is an appointment of great truſt, dignity, and antiquity, comprizing the ſole direction of the king's houſe below ſtairs. The lord high ſteward has no formal grant of his office; but receives his charge from the king in perſon, who, delivering to him a white ſtaff or wand, (the ſymbol of his office,) ſays, *Seneſchal tenez le Baton de notre Maiſon.* By this he is alſo ſteward of the Marſhalſea, or court of the houſehold, in which he is judge of life and limb. In his abſence, the treaſurer and comptroller for the time being are judges of the Marſhalſea, or the court of Verge. His authority extended over the following officers: the treaſurer, comptroller, cofferer, maſter of the houſehold, clerks of and clerks comptrollers of the board of green cloth, and all perſons ſubordinate to them. In his department is the counting-houſe, where an account of the expences of the king's houſehold is daily taken. The poſts of cofferer, clerks of the board of green cloth, and clerks-comptrollers of that board, have been aboliſhed, but inſtead of the cofferer is a paymaſter of the houſehold, with a ſalary of 450*l.* for himſelf and clerks, the clerks

and clerks-comptrollers of the green cloth, have made room for two clerks of the houſehold; the firſt with a ſalary of 500*l.*, and the other 400*l.* They have three under clerks with a ſalary of 150*l.* each. By theſe the buſineſs of the green cloth is conducted, as it uſed to be, except that the avenor to the maſter of the horſe does not now, as formerly, lay before them his accounts of the ſtables.

In the counting houſe is the *Board of Green Cloth*, which is a Court of Juſtice daily ſitting in the King's Palace, conſiſting of the above mentioned officers, and the ſteward of the Marſhalſea, who is always a barriſter at law. They meet for the purpoſe of taking daily accounts of expences; of making proviſion and payments for the houſehold; of promoting the good government of the king's ſervants of the houſehold; and paying the wages of the king's ſervants under the lord ſteward.

The Board of Green Cloth is one of the moſt ancient courts in England, and has juriſdiction in all offences committed in the king's palaces, and the verge of the court. It is called the Green Cloth, from the covering of the table. Without a warrant from this court, none of the king's ſervants can be arreſted for debt.

The lord ſteward, by his office, precedes all dukes, not of the royal blood. He is always a member of the privy council; and at the meeting of every new parliament, all the members take the oaths by law appointed before him, or ſome perſons deputed by him*. At the end of each ſeſſion of parliament, he adjuſts the parliamentary expences, &c. He has 100*l.* a-year wages, and 1360*l.* a-year board wages, and a further ſalary of 1540*l.* payable at the Exchequer.

In the lord ſteward's department are,

The *Treaſurer of the Houſehold*, who is next to him in rank; who alſo carries a white ſtaff or wand, and is always a privy counſellor: he is a ſort of deputy to the lord ſteward, as in his abſence he may, with the comptroller and ſteward of the Marſhalſea, in virtue of his office, hear and determine offences committed within the king's palace; he has 123*l.* 14*s.* 8*d.* for wages, and 1076*l.* 5*s.* 4*d.* for board wages.

The *Comptroller of the Houſehold* is the ſecond officer under the lord ſteward; he controuls the accounts and reckonings of the Green Cloth, of which board he is always a member. He carries a white ſtaff, and is always of the privy council. He has 107*l.* 17*s.* 6*d.* a-year wages, and 1092*l.* 2*s.* 6*d.* board wages.

* The practice is, for the lord ſteward to attend and ſwear a few members, and then empower them as his deputies to adminiſter the oaths to others.

The *Paymaſter*, who ſuperſedes the cofferer, has already been mentioned.

The *Maſter of the Houſehold* is employed under the treaſurer of the houſehold, to ſurvey the accounts. He has 66*l.* 13*s.* 4*d.* a-year wages, and 433*l.* 6*s.* 8*d* board wages.

Under the *Knight Marſhal*, is held the court of the houſehold, commonly denominated the Marſhalſea or Palace Court, of which an account will be given in another branch of this work. His ſalary is 500*l.*

The lord ſteward has the appointment of the officers in the royal houſehold, who are occupied in preparing and ſuperintending the ſupply of proviſions, and of the tradeſmen from whom they are purchaſed. Of theſe officers ſome have liberal annual allowances, as the gentleman of the wine-cellar 300*l.*; the clerk comptroller of the kitchen 300*l.*; the firſt clerk of the kitchen 260*l.*; the gentlemen of the pantry, buttery, and ewry, 200*l.* each.

The *Yeomen of the Guards* were inſtituted by Henry VII. in 1486, as a body guard to him. They were originally fifty, but have undergone ſeveral alterations in point of numbers; and are at preſent one hundred, at 39*l.* 11*s.* 4*d.* a-year each. Eight of that number are ſtyled Uſhers, and have 10*l.* a-year each more than the reſt. Four ſuperannuated yeomen, at 25*l.* a-year each; ſix yeomen haugers, and two yeomen bedgoers, at 10*l.* a-year each. The officers are a captain, who has 1000*l.* a-year ſalary; a lieutenant 500*l.*; an enſign 300*l.*; a a clerk of the cheque 150*l.*; and four exempts, who have 150*l.* each. The yeomen of the guard wait in the firſt room above ſtairs, which is called the Guard Chamber, forty attending by day, and twenty by night, with partizans and large ſwords. They bring up the diſhes for his majeſty's table, deliver them to the ſervers, who place them on the table; and when the king goes abroad by land or water, they attend his perſon. They ſtill retain the ancient dreſs aſſigned them by Henry VII.; a ſcarlet coat, of a peculiar make, coming down to their knees, guarded with black velvet, and having badges on, before and behind; their breeches are alſo ſcarlet, guarded with black velvet; and inſtead of hats, they wear black velvet caps, round and broad crowned, with ribbons of the king's colour.

The band of *Gentlemen Penſioners* was inſtituted by Henry VIII., in 1509. It conſiſts of forty gentlemen, who are entitled eſquires. Their office is to attend the king's perſon, with their pole axes, to and from his chapel royal, and receive him in the preſence chamber, or coming out of his privy lodgings. They likewiſe attend at all great ſolemnities, as coronations,

tions, St. George's feaſt, public audiences of embaſſadors, at the king's going to parliament, and royal funerals: their ſalary is 100*l.* a-year each. They wait twenty at a time, quarterly; but on public occaſions they all attend. On the coronation day and St. George's feaſt, they have the honour to carry up the king's dinner. Their officers are a captain, whoſe ſalary is 1000*l.*; a lieutenant 510*l.*; a ſtandard-bearer 310*l.*; a clerk of the cheque 120*l.* There are alſo a ſecretary, a pay-maſter, and a harbinger, whoſe office it is to provide lodgings for the gentlemen penſioners, and, in the abſence of the clerk of the cheque, to act as his deputy.

At the head of the department of the ſtables, but very eminent in rank and dignity, is

The Maſter of the Horſe. This is the third great office at court, and when not put in commiſſion, always filled by noblemen of the higheſt rank and ability. The maſter of the horſe has the management and diſpoſal of all the king's ſtables and bred horſes. He has authority over the equerries and pages, coachmen, footmen, grooms, riders of the great horſe, farriers, and ſmiths. He appoints all the other tradeſmen who work for the king's ſtables; and by his warrant to the avenor, makes them take an oath to be true and faithful. He is intruſted with all the lands and revenues appropriated for the king's breed of horſes, the expences of the ſtable, and of the coaches, litters, &c. He alone has the privilege of making uſe of any of the king's horſes, pages, and footmen, and at any ſolemn cavalcade rides next the king, and leads a horſe of ſtate. His ſalary is 1276*l.* 13*s.* 4*d. per annum.*

The *Avenor*, or *Clerk Martial* and *Firſt Equerry*, has a ſalary of 500*l.* and *four equerries*, who are ſubordinate to him, have each 300*l. per annum.* The ſtipend of the *clerk of the ſtables* is 350*l.* and that of the *equerry of the crown ſtable* 200*l.* and the inferior employments have liberal allowances annexed.

The coſt of the royal hunt is, to the *maſter of the ſtag hounds* 2000*l. per annum*; the *huntſman* 123*l.* to ſix *yeomen prickers*, each 104*l.* and to the *grand falconer* 1200*l.*

Royal Family. The Queen conſort, as the firſt and moſt conſiderable branch of the king's royal family, partakes in ſeveral prerogatives above other women. She is a public perſon, exempt and diſtinct from the king; and not, like other married women, ſo cloſely connected as to have loſt all legal or ſeparate exiſtence, ſo long as the marriage continues. For the queen can purchaſe and convey lands, make leaſes, grant copyholds, and do other acts of ownerſhip, without the concurrence of her lord, which no other married woman can do; a privilege as old as the Saxon era. She can alſo take a grant from the

king, which no other wife can from her huſband. She has ſeparate courts and officers, diſtinct from the king's, not only in matters of ceremony, but even of law; and her attorney and ſolicitor general are intitled to a place within the bar of his majeſty's courts, together with the king's counſel. She may ſue and be ſued alone, without joining her huſband; have ſeparate property in goods as well as lands, and diſpoſe of them by will. In ſhort, ſhe is, in all legal proceedings, looked upon as a ſingle, not as a married woman. The queen has alſo many exemptions and minute prerogatives: ſhe pays no toll, nor is liable to amercement in any court; and although the queen is, in all reſpects, the king's ſubject, and not his equal, yet in point of the ſecurity of her life and perſon, ſhe is put on the ſame footing with him. It is equally treaſon to compaſs or imagine her death; and to violate or defile the queen conſort, amounts to the ſame high crime, as well in the perſon committing the fact, as in the queen herſelf, if conſenting. If accuſed of any ſpecies of treaſon, ſhe is (whether conſort or dowager) tried by the peers of parliament.

The huſband of a queen regnant, as Prince George of Denmark was to Queen Anne, is her ſubject, and may be guilty of high treaſon againſt her; but, in the inſtance of conjugal infidelity, he is not ſubjected to the ſame penal reſtrictions.

A *queen dowager* enjoys moſt of the privileges which belonged to her as queen conſort. But it is not high treaſon to conſpire her death, or violate her chaſtity; and though an alien born, ſhe is intitled to dower after the king's demiſe, which no other alien is. Yet, *pro dignitate regali*, no man can marry a queen dowager, without ſpecial licence from the king, on pain of forfeiting his lands and goods. But before the making of this law, a queen dowager, who married a ſubject, did not loſe her regal dignity, as peereſſes dowager do their peerage when they marry commoners; for Catherine, queen dowager of Henry V. after ſhe had married Owen ap Meredith ap Theodore, commonly called Owen Tudor, a private gentleman, maintained an action againſt the biſhop of Carliſle, by the name of Catherine, queen of England.

The queen conſort has, by the ancient laws, ſome pecuniary advantages, but in theſe days they are not productive of emolument. They are a perquiſite, called *aurum reginæ*, or queen's gold, reſerved out of every donation of a certain amount, made to the king in conſideration of royal favours. She had alſo certain reſervations or rents out of the demeſne lands of the crown, which have long been diſcontinued. Another ancient perquiſite belonging to the queen conſort, mentioned by all our old writers, and therefore only worthy notice, is this; that, on the

the taking of a whale on the coaſts, which is a royal fiſh, it ſhall be divided between the king and queen; the head only being the king's property, and the tail the queen's. The reaſon of this whimſical diviſion, as aſſigned by our ancient records, was, to furniſh the queen's wardrobe with whalebone. "But "this reaſon," ſays Mr. Chriſtian, "is more whimſical than "the diviſion, for the whalebone lies intirely in the head."

Her majeſty, as was obſerved in a preceding page, receives from the civil liſt, for her perſonal expences, 58,000*l. per annum*. In the firſt ſeſſion of parliament after the king's marriage, the Houſe of Commons reſolved, that, in caſe of her ſurviving his majeſty, ſhe ſhould enjoy a penſion of one hundred thouſand pounds *per annum*, together with the palace of Somerſet Houſe, and the lodge and lands at Richmond Park, and an act, framed to this effect, paſſed unanimouſly. At a ſubſequent period, Somerſet Houſe was exchanged for Buckingham Houſe, in St. James's Park, and her majeſty has an elegant ſummer eſtabliſhment at Frogmore, near Windſor.

The following are the principal officers and perſons ſeparately appropriated to her majeſty, with their annual ſalaries: *Lord Chamberlain* 1200*l. Vice Chamberlain* 500*l. Miſtreſs of the Robes* 500*l.* ſix *Ladies of the Bed Chamber* 500*l.* each, ſix *Maids of Honour* 300*l.* each, ſix *Bed Chamber Women* 300*l.* each, three *Gentlemen Uſhers of the Private Chamber* 200*l.* each, a *Treaſurer* 500*l.* and a *Secretary* and *Comptroller* 500*l.* Her Majeſty's *Attorney General* has an annual fee of 250*l.* and her *Solicitor General* of 180*l.* Her *Maſter of the Horſe* 800*l.* Three equerries 220*l.* each, beſides pages of honour, clerks of the ſtables, and others in ſubordinate departments. The attendants and inſtructors of the princeſſes are alſo part of her majeſty's eſtabliſhment.

The next perſon to be conſidered in the royal family is the *Prince of Wales*.

The PRINCE OF WALES, or heir apparent to the crown, and alſo his royal conſort, and the princeſs royal, or eldeſt daughter of the king, are peculiarly regarded by the laws. For by ſtatute 25 Edw. III. to compaſs or conſpire the death of the former, or to violate the chaſtity of either of the latter, are as much high treaſon as to conſpire the death of the king, or violate the chaſtity of the queen. The heir apparent, or preſumptive to the crown, has uſually been created Prince or Princeſs of Wales. This title has deſcended from Edward II. When his father had ſubdued the kingdom of Wales, he promiſed the people of that country, on condition of their ſubmiſſion, to give them a prince who had been born among them, and who could ſpeak no other language. On their acquieſcence with this offer,

he conferred the principality of Wales on his ſecond ſon, Edward, then an infant. Edward, by the death of his eldeſt brother, Alfonſo, became heir to the crown, and from that time this honour has been appropriated only to the eldeſt ſons, or eldeſt daughters, of the kings of England. The title of earl of Cheſter is alſo conferred on the king's eldeſt ſon, by ſpecial creation and inveſtiture; that is, by letters patent under the great ſeal. This earldom was once a principality, erected into that title by act of parliament, 21 Rich. II. wherein it was alſo ordained, that it ſhould be given to the king's eldeſt ſon; and although all the proceedings of that parliament were repealed in the firſt of Henry IV. the earldom has ſince been uſually given with the principality of Wales. The prince is alſo, if *firſt born* ſon of the king, intitled by inheritance to the dukedom of Cornwall, without any new creation. This title does not accrue to the prince merely as *eldeſt*, but he muſt be *firſt-begotten* ſon of the king. The words of the ſtatute are, *habendum et tenendum eidem duci et ipſius et hæredum ſuorum regum Angliæ filiis primogenitis, & dicti loci ducibus in regno Angliæ hæreditarie ſucceſſuris.* And Lord Coke, after having enumerated thoſe princes who had been dukes of Cornwall before his time, among whom he reckons Prince Arthur, proceeds to ſay, "Neither "was Henry VIII. in the life of his father, after the death of "Prince Arthur, his brother, by force of the ſaid creation, "duke of Cornwall; for, although he was the ſole ſon and heir "apparent of Henry VII. yet, foraſmuch as he was not the "firſt begotten ſon, he was not within the ſaid limitation; for "Prince Arthur was his firſt begotten ſon." But although from this it is manifeſt, that a duke of Cornwall muſt be the firſt begotten ſon of a king, yet it is not neceſſary that he ſhould be born after his father's acceſſion to the throne. This is a ſtrange ſpecies of inheritance, and perhaps is the only mode of deſcent, which depends upon the authority of a ſtatute.

The revenue of the Prince of Wales, independantly of the Duchy of Cornwall, and other circumſtances, is 125,000*l. per annum*, 60,000*l.* being paid from the civil liſt, and 65,000*l.* from the conſolidated fund.

His principal eſtabliſhments are Carlton Houſe, Pall Mall, and the Pavilion, at Brighthelmſtone, in Suſſex.

The principal officers of his royal highneſs are a comptroller and auditor general, treaſurer, vice chamberlain, Glouceſter king at arms and herald; with chaplains, pages, equerries, phyſicians, artiſts, and tradeſmen ſpecially appointed.

As Duke of Cornwall, he has a chancellor and keeper of the great ſeal, a vice admiral, a lord warden of the Stannaries, with deputies, ſurveyor general and deputies, auditors, and receiver general,

general, a havenor of the duchy ports, an attorney and ſolicitor general, an aſſay maſter, ſtewards, and other ſubordinate officers. His royal highneſs has alſo a council, compoſed of the principal officers of his eſtabliſhment, and his moſt illuſtrious friends; and as high ſteward of Scotland he has another liſt of ſtate counſellors, a ſecretary, chamberlain, and keeper of the ſignet, a keeper of the great ſeal, barons of the exchequer, chaplains, and other officers.

The younger ſons and daughters of the king, and other branches of the royal family, who are not in the immediate line of ſucceſſion, were little farther regarded by the antient law than to give them, to a certain degree, precedence before all peers and public officers, as well eccleſiaſtical as temporal. This is done by the ſtatute 31 Hen. VIII. c. 10. which enacts that no perſon, except the king's children, ſhall preſume to ſit or have place at the ſide of the cloth of eſtate in the parliament chamber; and that certain great officers therein named ſhall have precedence above all dukes, except only ſuch as ſhall happen to be the king's ſon, brother, uncle, or nephew. Therefore, after theſe degrees are paſſed, peers, or others of the blood royal, are intitled to no place or precedence, except what belongs to them by their perſonal rank or dignity. All the king's ſons are, by their birth, counſellors of ſtate, that ſo they may grow up in the weighty affairs of the kingdom. To all the king's children belongs the title of royal highneſs; all ſubjects are to be uncovered in their preſence; to kneel when they are permitted to kiſs their hands; and at table, out of the king's preſence, they are, in ſtrictneſs of etiquette, entitled to be ſerved on the knee. The children, the brother and ſiſters of the king, being plaintiffs, the ſummons in the proceſs need not have the ſolemnity of fifteen days, between the teſte and return, as in the caſe of other ſubjects.

With reſpect to the education of the king's grand-children, ſome doubts had ariſen; and in 1718, the queſtion was referred to all the judges, by George I. It was then decided by the opinion of ten againſt the other two, that the education and care of the king's grand-children, while minors, belonged of right to his majeſty, as king of this realm, even during their father's life. But they all agreed that the care and approbation of their marriages, when grown up, belonged to the king their grandfather.

The Royal Family of Great Britain at this period conſiſts of the following perſonages;

GEORGE THE THIRD, King of the United Kingdom of Great Britain and Ireland, Defender of the Faith, Sovereign of the Orders of the Garter, Thiſtle, Bath, and St. Patrick, Viſitor of Trinity and Queen's Colleges, Cambridge, and of Univerſity

University and Christ-Church Colleges, Oxford, Duke of Brunſwick Lunenburgh and Bremen, Biſhop of Oſnaburgh, Arch-Treaſurer and Elector of the Holy Roman Empire. His majeſty was born the 4th of June, 1738, ſucceeded to the throne on the death of his grandfather George II. 25th of October, 1760, and was crowned 22d September, 1761.

The Queen Conſort is Charlotte, Princeſs of Mecklenburgh Strelitz, born 19th May, 1744. Their children are;

Firſt. His Royal Highneſs GEORGE-AUGUSTUS-FREDERICK, *Prince of Wales*, and Electoral Prince of Brunſwick Lunenburgh, Duke of Cornwall and Rothſay, Earl of Cheſter and Carrick, Baron of Renfrew, Lord of the Iſles, Great Steward of Scotland, High Steward of Plymouth, Colonel of the 10th Regiment of Dragoons, Captain General of the Hon. Artillery-Company, Knight of the Garter. His Royal Highneſs was born 12th Auguſt, 1762. He married 8th April, 1795, CAROLINE AMELIA ELIZABETH, Daughter of the Duke of Brunſwick, who was born 17th May, 1768, by whom he has iſſue; CHARLOTTE AUGUSTA, born 7th January, 1796.

Second. FREDERICK, *Duke of York* and Albany, Earl of Ulſter in Ireland, a Field Marſhal, Commander-in-Chief of all the King's Land Forces in the United Kingdom, Colonel of the Coldſtream, or 2d Regiment of Foot Guards, Colonel in Chief of the 60th (or Royal American) Regiment of Foot, and of the Royal Dublin Regiment of Infantry, Doctor of Civil Law, Knight of the Garter and Bath. The Duke of York was born 16th Auguſt, 1763; he married 19th Sept. 1791, FREDERIQUE CHARLOTTE ULRIQUE CATHERINE, eldeſt daughter of the late King of Pruſſia, born 7th May, 1767.

Third. WILLIAM HENRY, *Duke of Clarence* and St. Andrews, Earl of Munſter in Ireland, and Admiral of the White, and Ranger of Buſhy Park, Knight of the Garter and Thiſtle. He was born 21ſt Auguſt, 1765.

Fourth. The PRINCESS ROYAL CHARLOTTE AUGUSTA MATILDA, Lady of the Imperial Ruſſian Order of St. Catherine; ſhe was born 29th September, 1766, and married 18th May, 1797, to his Serene Highneſs FREDERICK CHARLES WILLIAM, who, on the death of his father in 1798, became reigning *Duke of Wirtemburg Stutgardt*.

Fifth. EDWARD, *Duke of Kent* and Strathern, Earl of Dublin in Ireland, a General in the Army, Colonel of the 1ſt Regiment of Foot, and Governor of Gibraltar, Knight of the Garter and of St. Patrick. He was born 2d of November, 1767.

Sixth. The Princeſs AUGUSTA, SOPHIA, born 8th of November, 1768.

Seventh. The Princeſs ELIZABETH, born 22d May, 1770.

Eighth.

Eighth. ERNEST AUGUSTUS, *Duke of Cumberland* and Teviotdale, Earl of Armagh in Ireland, Lieutenant-General in the Army, and Colonel of the 15th Regiment of Dragoons, Knight of the Garter, born 5th June, 1771.

Ninth. AUGUSTUS FREDERICK, *Duke of Suſſex*, Earl of Inverneſs and Baron of Arklow, Knight of the Garter, born 27th January, 1773.

Tenth. ADOLPHUS FREDERICK, *Duke of Cambridge*, Earl of Tipperary, and Baron of Culloden, a Lieutenant-General in the Army, and Colonel of the King's German Legion, born 24th February, 1774.

Eleventh. The Princeſs MARY, born 25th April, 1776. Married in 1816 to his Royal Highneſs WILLIAM FREDERICK *Duke of Glouceſter*.

Twelfth. The Princeſs SOPHIA, born 3d November, 1777.

THE PRINCE REGENT.

THE KING'S ILLNESS. After a reign of fifty years, during which his Majeſty, King George the Third, had ſo conducted himſelf in every exerciſe of his high authority and in every act of his private life, as to acquire the veneration and affection of all ranks of his ſubjects, and to be proudly held forth, not only as a brilliant illuſtration of the character of a patriot king, but alſo as a model of perſonal and domeſtic virtue; after he had ſtruggled, with unexampled firmneſs, during the long period of ſeventeen years, to maintain the religion, laws, and rights of his country againſt an encroaching power, which, ſupported by incredible ſucceſſes, had overwhelmed or corrupted every other government in Europe, it pleaſed the Almighty, of whom he had ever been a ſincere and ardent worſhipper, to viſit him with a malady which rendered him incapable of conducting the affairs of government.

REGENCY ACTS. This fact being too well aſcertained to admit of any diſpute, parliament provided for the adminiſtration of the affairs of government, for the dignity, comfort, and ſafety of the King, and for the honourable ſupport of the Queen and princes of the blood, by a ſeries of ſtatutes which are now briefly to be recapitulated.

By the firſt of theſe, 51 Geo. 3. c. 1. it is enacted, that his Royal Highneſs George Auguſtus Frederick, Prince of Wales, ſhall have full power and authority, *in the name and on the behalf of his Majeſty*, and under the ſtyle and title of "Regent of the United Kingdom of Great Britain and Ireland," to exerciſe and adminiſter the royal power and authority to the

crown of the United Kingdom belonging, and to uſe, execute, and perform all authorities, prerogatives, acts of government, and adminiſtration of the ſame, which lawfully belong to the King of the ſaid United Kingdom to uſe, execute, and perform; ſubject to the limitations, exceptions, regulations, and reſtrictions, in the act ſpecified; and all acts which ſhall be done by the ſaid Regent, in the name and on the behalf of his Majeſty, according to the powers and authorities ſo veſted in him, are to have the ſame force and effect as the like acts would have if done by his Majeſty himſelf, and ſhall, to all intents and purpoſes, be full and ſufficient warrant to all perſons acting under the authority thereof; and all perſons ſhall yield obedience thereto, and carry the ſame into effect, in the ſame manner, and for the ſame purpoſes, as the ſame perſons ought to yield obedience to and carry into effect the like acts done by his Majeſty himſelf.

The ſignature directed to be uſed by his Royal Highneſs is George P. R., or where initials alone are generally uſed, G. P. R.

As the term to which ſuch powers ſhall be limited, it is declared that when his Majeſty ſhall by the bleſſing of God be reſtored to ſuch a ſtate of health, as to be capable of reſuming the perſonal exerciſe of his royal authority, and ſhall have declared his royal will and pleaſure thereupon, as in a ſubſequent clauſe is provided, all the powers and authorities given by this act, for the exerciſe and adminiſtration of his royal power, or for executing the authorities, prerogatives, and acts of government, or for the care of his Majeſty's perſon, ſhall ceaſe and determine. Offices granted during his Majeſty's pleaſure are to be held after his recovery, until his pleaſure, to the contrary, ſhall be ſignified; but no acts whatever of the Regent are valid, unleſs done in the name and on behalf of the King. Oaths are alſo required from him, of allegiance, for the faithful execution of his high authorities, and for the maintenance of the Proteſtant religion, as by law eſtabliſhed in England and Scotland; which oaths are taken before, and regiſtered in the books of the Privy Council.

By other clauſes, the Regent was reſtrained from granting any peerages, or any offices in reverſion until after the expiration of a year, from the paſſing of the act. Some reſtraints were alſo impoſed as to the grant of penſions, but there were exceptions as to thoſe which concerned the adminiſtration of the law, and the defence of the country. His Royal Highneſs was alſo reſtrained from aſſenting to any bill for varying the ſucceſſion to the Crown; or repealing or altering the acts for uniformity of public prayers, and for ſecuring the Proteſtant

religion. It was alſo declared that his functions ſhould ceaſe if he quitted the kingdom, or married a Papiſt.

The care of his Majeſty's perſon was committed to his royal conſort, and to her was confided the power of continuing, or changing certain officers of his houſehold, and filling up their ſituations in caſe of vacancies; but this authority was ſubject to ſeveral reſtrictions. For the purpoſe of adviſing and aſſiſting her Majeſty in theſe important duties, a council was appointed, conſiſting of the Archbiſhops of Canterbury and York, the Duke of Montroſe, the Earl of Winchelſea and Nottingham, the Earl of Aylesford, Lord Eldon, Lord Ellenborough, and Sir William Grant. Theſe appointments were made by name, and not by office, ſo that reſignation of, or removal from, any ſituation which either of theſe great perſonages filled, did not produce a removal from the office to which this act appointed him. In caſe of death or reſignation, her Majeſty was empowered by writing, under her hand and ſeal, to fill up the vacancy during pleaſure.

Each member of this council was required to take an oath for the due diſcharge of his truſt. Their duties were to aſcertain, by examining on oath, the phyſicians and other attendants on him, the ſtate of his Majeſty's health, to renew this inquiry in the firſt week in April, and the firſt week in every ſucceeding third month, and on every ſuch occaſion to declare the ſtate of his Majeſty's health, and tranſmit a copy of their report to be inſerted in the books of the Privy Council.

For aſſuring to his Majeſty the immediate reſumption of his juſt and lawful authority at any time when it ſhould pleaſe God to relieve him from his preſent ſtate of calamity, it was enacted, that when it ſhould appear to her Majeſty and any four of her council, aſſembled at a meeting to be called by her for that purpoſe, either by her own will, or by his Majeſty's will and pleaſure ſignified to her, (and with which ſhe was required to comply, and to be preſent at the council,) that his Majeſty was reſtored to ſuch a ſtate of health as to be capable of reſuming the perſonal exerciſe of the royal authority, then her Majeſty and four of her council were to ſignify it by writing under their hands, addreſſed to the preſident of the council, or in his abſence to one of the Secretaries of State; upon which, a privy council muſt be convened, and the inſtrument entered on the books. After this his Majeſty is empowered to convoke a privy council, by virtue of his ſign manual, and upon their iſſuing a proclamation to that effect, the regency was to ceaſe, and his Majeſty to reſume his ſtation in the government.

In caſe of the death of the Regent or the Queen, or of the reſtoration of the King, it was provided, that the parliament, if

adjourned or prorogued, ſhould forthwith re-aſſemble, or if diſſolved, ſhould re-unite, and continue a parliament for a term not exceeding ſix months.

Should her Majeſty die, the truſts and functions committed to her were to devolve on her council, until further arrangement made by parliament.

Proviſion was alſo made for the iſſue of the regular ſums from the civil liſt for the uſe of her Majeſty and the other branches of the royal family; and of the 60,000*l.* uſually iſſued for his Majeſty's privy purſe, it was directed that the keeper of the privy purſe ſhould continue ſuch payments as his Majeſty had been uſed to make out of it, not exceeding 15,461*l.* per annum, and that her Majeſty ſhould be empowered to direct the diſpoſal of 4,215*l.* quarterly. The remainder was to be inveſted in the funds, in the name of the keeper of the privy purſe, in truſt for his Majeſty; the accumulating dividends, and the revenues of the duchy of Lancaſter, were to be in like manner applied, and the keeper of the privy purſe was to vouch his fidelity to his truſt annually on oath. The care of his Majeſty's other real and perſonal property was left in the hands of thoſe to whom by a former ſtatute it had been committed, ſubject to the controul of the truſtees formerly appointed; that part which was not ſo diſpoſed of, was declared to veſt in the Queen, the Prince Regent, and the keeper of his Majeſty's privy purſe, to be preſerved and inveſted for his Majeſty's uſe; and nothing in this act contained was to invalidate any deed or will which the King had made, or might afterwards make.

With reſpect to the droits of the crown, and of the admiralty, it was declared, that as his Majeſty had been accuſtomed, by the advice, or on the recommendation, of the Lords of the Treaſury, to make grants out of them to perſons intereſted in the capture of veſſels or other property, or to other perſons praying relief, in caſe of damage, or injury by capture, prize, or engagements at ſea, it ſhould be lawful for the Regent to diſpoſe of any portion of thoſe monies in like manner.

A year having expired, without any abatement of his Majeſty's complaint, it was found neceſſary, in the next ſeſſion of parliament, to make further proviſion for different objects already taken into conſideration, and this was done by three ſeveral ſtatutes of the 52d of the King, chapters 6, 7, and 8.

In addition to the ſums allotted by former acts of parliament for the civil liſt, 70,000*l.* per annum were now granted to be paid out of the conſolidated fund; and the Prince Regent gave up the annual ſum of 50,000*l.* which he had been uſed to receive from the civil liſt for his ſeparate uſe. Accounts of

deficiencies in the civil list exceeding the usual average were still to be laid before parliament. The sum of 100,000*l.* was also granted to defray the expence incurred by his Royal Highness in taking on himself the personal exercise of the functions of royalty. Further regulations were made as to the appointment of certain officers of the household, immediately attached to the King's person, by the Queen; the remainder of the household were to attend upon the Regent, and, if he were pleased to appoint others in lieu of those retained about the King, they were to have equal salaries.

All royal prerogatives, rights, and immunities whatsoever, were declared to be fully bestowed on the Regent, and all restraints imposed on the exercise of the prerogative by the former statute were removed.

Provision was made for paying the stipends of officers of his Majesty's personal household before any other charges on the civil list, and many enactments were devised for the more exact administration of his estates real and personal.

These acts were varied by subsequent statutes in a few not very important particulars, and by the 56 Geo. 3. c. 46. the civil list is relieved from the payment of the allowances made by his Majesty to his Royal Highness the Duke of York and the junior members of the royal family, and they are now charged on the consolidated fund.

It is a painful duty to close the amended account thus introduced by mentioning a melancholy change in the state of the royal family, occasioned by an event which has overwhelmed that illustrious house with indescribable grief, and converted the ardent hopes of the nation into consternation and despair. The name of her Royal Highness Charlotte Augusta, daughter of the Prince of Wales is mentioned in a preceding page, in the enumeration of the royal family. Educated with the utmost care, and trained to a thorough regard for religion and love of her country, this amiable and excellent Princess attained her twenty-first year. It is not possible by any general observation to convey a notion of the affection with which, at this time, she was viewed by all parties, and all classes of those who expected to be her future subjects. Without an effort, every thing seemed to become her; without appearing to court popularity, she was adored. In 1816, her Royal Highness was married to his Serene Highness, Leopold George Frederick, Prince of Cobourg of Saalfeld. The popular affection which had existed before, was carried to enthusiasm by her conduct after marriage. It was better calculated to satisfy every predilection of a moral and reflecting nation, than the most subtle politician could have devised, and at the same time too evidently

the result of pure, juſt, and natural feeling, to afford a pretext for ſuppoſing that it was aſſumed for any purpoſe. Retired, but not ſecluded from the world; devoted to each other, but actively alive to every call of compaſſion, and feeling of benevolence; ſeparated from the cares of politics, courting no party, nor ever anticipating the great ſhare they were at ſome future day to have in the ſtate, this amiable couple lived equally admired in their public and private characters. The hope of offſpring cheered the whole nation, but hope was withered, never to revive by the fatal event. On the ſixth of November 1817, her Royal Highneſs was delivered, after a lingering labour, of a ſtill-born male infant, and in a few hours was herſelf a corpſe. The deſolation of a whirlwind could not have produced a more general and unvaried effect. It is not the office of this publication to record, or even allude to individual feelings, but the national ſympathy was in every way honourable to the humane, moral, and religious ſentiment of the country. It was truly Britiſh; nothing was forced, ſtrained, or affected. No public edict preſcribed demonſtrations of woe; the court directed a general mourning, but every thing elſe proceeded ſpontaneouſly from the heart and underſtanding. Buſineſs went on in its neceſſary courſe, but every ſpecies of amuſement was intermitted, every commemorative feſtival, or convivial meeting, was ſuſpended, or given up: the general appearance denoted a ſincere grief, "which paſſeth ſhow;" and on the day when the body of this beloved Princeſs was conſigned to the tomb, voluntary devotion led people of every perſuaſion to their places of worſhip, where in proſtrate humility they bent to the inſcrutable wiſdom of the divine decree, and atteſted by their tears the truth of thoſe eulogies which their paſtors pronounced on the object of their regrets.

THE PARLIAMENT.

THIS auguſt aſſembly conſiſts of the king, ſitting in his royal political capacity; of the lords ſpiritual, as archbiſhops and biſhops; and the lords temporal, as dukes, marquiſſes, earls, viſcounts, and barons; theſe compoſe one houſe: the other is formed of the knights, citizens, and burgeſſes, who are choſen by force of the king's writ, which iſſues *ex debito juſtitiæ*; theſe compoſe the houſe of commons, and repreſent all the commons of the kingdom.

The power and juriſdiction of parliament, ſays Sir Edward Coke, is ſo tranſcendent and abſolute, that it cannot be confined, either for cauſes or perſons, within any bounds. It has ſovereign and uncontrollable authority in making, confirming, enlarging, reſtraining, abrogating, repealing, reviving, and expounding laws, concerning matters of all poſſible denominations, eccleſiaſtical, or temporal, civil, military, maritime, or criminal: this being the place where that abſolute, deſpotic power, which muſt in all governments reſide ſomewhere, is intruſted by the conſtitution of theſe kingdoms. All miſchiefs and grievances, operations and remedies, that tranſcend the ordinary courſe of the laws, are within the reach of this extraordinary tribunal. It can regulate or new model the ſucceſſion to the crown; as was done in the reign of Henry VIII. and William III. It can alter the eſtabliſhed religion of the land; as was done in a variety of inſtances, in the reigns of Henry VIII. and his three children. It can change and create afreſh even the conſtitution of the kingdom and of parliaments themſelves; as has been done by the acts of union, and the ſeveral ſtatutes for triennial and ſeptennial elections. It can, in ſhort, do every thing that is not naturally impoſſible; and therefore ſome have not ſcrupled to call its power, by a figure rather too bold, the omnipotence of parliament.

To trace out exactly the origin and antiquity of parliament, and to point out the ſeveral alterations it met with, and how it

came to be modelled as it now is, ſeems, if not impoſſible, a work of the greateſt difficulty: but this difficulty is not to be attributed to any peculiar defect in our conſtitution, but only to time, and the loſs and deſtruction of our records, eſpecially in the barons' wars; and the perplexity and obſcurity of the ſubject are augmented by the prejudices and different views, which have actuated writers who have treated on this point.

The word, *parliament*, itſelf, (*parlement*, or *colloquium*, as ſome tranſlate it,) is comparatively of modern date; derived from the French, and ſignifying an aſſembly that met and conferred together. It was firſt applied to general aſſemblies of the ſtates, under Louis VII. in France, about the middle of the twelfth century, and not uſed in England till the reign of Henry III. But certainly, long before the introduction of the Norman language into England, all matters of importance were debated and ſettled in the great councils of the realm; a practice which ſeems to have been univerſal among the northern nations, particularly the Germans; and carried by them into all the countries of Europe, which they over-ran at the diſſolution of the Roman empire.

In England this general council has been held immemorially, under the ſeveral names of *michel-ſynoth*, or great council, *michel-gemote*, or great meeting, and more frequently *wittena-gemote*, or the meeting of wiſe men. It was alſo ſtyled in Latin, *commune conſilium regni*, *magnum conſilium regis*, *curia magna*, *conventus magnatum vel procerum*, *aſſiſa generalis*, and ſometimes *communitas regni Angliæ*. We have inſtances of its meeting to order the affairs of the kingdom, to make new laws and mend the old, or, as Fleta expreſſes it, "*novis injuriis emerſis*, *nova conſtituere remedia*," ſo early as the reign of Ina, king of the Weſt Saxons, Offa, king of the Mercians, and Ethelbert, king of Kent, in the ſeveral realms of the heptarchy. And, after their union, the Mirror informs us, that king Alfred ordained for a perpetual uſage, that theſe councils ſhould meet twice in the year, or oftener, if need be, to treat of the government of God's people; how they ſhould keep themſelves from ſin, ſhould live in quiet, and receive right. Our ſucceeding Saxon and Daniſh monarchs held frequent councils of this ſort, as appears from their reſpective codes of laws; the titles of which uſually denote that they were enacted, either by the king with the advice of his *wittena-gemote*, or wiſe men, as, "*hæc ſunt inſtituta*, *quæ Edgarus rex conſilio ſapientum ſuorum inſtituit*;" or enacted by thoſe ſages, with the advice of the king, as, "*hæc ſunt judicia*, *quæ ſapientes conſilio regis Ethelſtani inſtituerunt*;" or laſtly, to be

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enacted by them both together, as, "*hæc sunt institutiones, quas* "*rex Edmundus et episcopi sui cum sapientibus suis instituerunt.*" There is also no doubt but these great councils were occasionally held under the first princes of the Norman line; and, on the whole, it indisputably appears, that parliaments, or general councils, are coeval with the kingdom itself.

How these parliaments were constituted and composed, is another question, which has been matter of great dispute among our learned antiquaries; and, particularly, whether the commons were summoned at all; or, if summoned, at what period they began to form a distinct assembly. It is not intended to enter at large into this controversy; it will suffice to say a few words on the subject, in treating separately on the house of commons. It is generally agreed, that, in the main, the constitution of parliament, as it now stands, was marked out so long ago as the seventeenth year of king John, A. D. 1215, in the great charter granted by that prince; wherein he promises to summon all archbishops, bishops, abbots, earls, and greater barons, personally; and all other tenants in chief, under the crown, by the sheriff and bailiffs, to meet at a certain place, with forty days notice, to assess aids and scutages when necessary. And this constitution has subsisted in fact, at least, from the year 1266, 49th Henry III. there being still extant writs of that date to summon knights, citizens, and burgesses to parliament.

The parliament is regularly to be summoned by the king's writ or letter, issued out of chancery, by advice of the privy council, at least forty days before it begins to sit. This was originally a provision of Magna Charta; it is enforced by 7 and 8 W. III. c. 25. which enacts that there shall be forty days between the teste and the return of the writ of summons; and this time is, by uniform practice, extended to fifty days. This practice was introduced by the 22d article of the act of union with Scotland, which required that time between the teste and the return of the writ of summons for the first parliament of Great Britain.

It is a branch of the royal prerogative, that no parliament can be convened by its own authority, or by the authority of any, except the king alone. Nor is it an exception to this rule that, by some modern statutes, on the demise of a king or queen, if there be then no parliament in being, the last parliament revives, and it is to sit again for six months, unless dissolved by the successor; for this revived parliament must have been originally summoned by the crown.

There are instances of parliaments meeting without the royal summons, as the convention parliament which restored Charles II. and that in 1688, which assembled by its own authority;

thority; and on the ſummons of the prince of Orange, afterwards William III. met in convention, and diſpoſed of the crown and kingdom. But theſe tranſactions are rather to be vindicated on the ſcore of imperative neceſſity, than cited as precedents of the regular exerciſe of legal power.

By the ancient ſtatutes of the realm, the king is bound to aſſemble a parliament every year, or oftener, *if need be.* Not that he is, or ever was, obliged by theſe ſtatutes to call a *new* parliament every year; but only to permit a parliament to ſit for the redreſs of grievances, and diſpatch of buſineſs, *if need be.* To prevent the evils which might ariſe from a too lax conſtruction of the laſt three words, the ſtatute 16 Car. II. c. i. ordained that the ſitting and holding of parliaments ſhall not be intermitted above three years at the moſt; and that of the 6th William and Mary, c. 2. enacts, as the ſtatute of Charles II. had done before, that a new parliament ſhall be called within three years after the determination of the former. But the altered ſtate of government, with reſpect to the powers and neceſſities of the crown, ſince the days of Charles II. provides moſt effectually for the frequent convocation of parliaments. In ancient times, eſpecially before the abolition of the feudal tenures, our kings had ſuch an independent revenue, that they were enabled to reign many years together without the aſſiſtance of parliament; but now as the mutiny-act, and land-tax, and malt-tax acts are paſſed for one year only, the parliament muſt neceſſarily be ſummoned for the diſpatch of buſineſs once every year.

As each of the two houſes has a negative on the propoſitions made by the other, and there is, conſequently, no danger of their encroaching on each other's rights, nor on thoſe of the king, who has likewiſe his negative upon them both; any queſtion judged by them conducive to the public good, may be made the ſubject of their deliberations, and brought forward in either houſe; except bills for granting money, or raiſing any tax, ſupply, or contribution on the ſubject, which can only originate in the commons.

The privileges of parliament are very large and indefinite; for as privilege of parliament was principally eſtabliſhed, to protect its members not only from being moleſted by their fellow ſubjects, but more eſpecially from being oppreſſed by the power of the crown, it has been conceived, that if all the privileges of parliament were ſet down and aſcertained, and none to be allowed but what was ſo defined and determined, it were eaſy for the executive power to deviſe ſome new caſe, not within the line of privilege, and, under that pretence to haraſs any refractory member and violate the freedom of parliament. Some however of the more notorious privileges of the

the members of either houſe are, privilege of ſpeech, and of perſon. As to the firſt, privilege of ſpeech, it is declared by the ſtatute 1 W. and M. ſt. 2. c. 2. as one of the liberties of the people, "that the freedom of ſpeech, and debates and "proceedings in parliament, ought not to be impeached or "queſtioned in any court or place out of parliament." And this freedom of ſpeech is particularly demanded of the king in perſon, by the ſpeaker of the houſe of commons, at the opening of every new parliament. So likewiſe is the other, privilege of perſon, which immunity is as ancient as Edward the Confeſſor, and to which, till renounced by the ſtatute 10 Geo. III. c. 50. was added a protection for the domeſtics, lands, and goods of every member. A peer (by the privilege of peerage) is for ever ſacred and inviolable; and a commoner (by the privilege of parliament) for forty days after every prorogation, and forty days before the next appointed meeting: which is now, in effect, as long as the parliament ſubſiſts, it ſeldom being prorogued for more than four-ſcore days at a time.

Members of either houſe are not only free from arreſt in general, but can only be proceeded againſt for the recovery of debts by bill or by original writ; but for the benefit of commerce, it is provided by ſtatute 4 Geo. III. c. 33. that any trader, having privilege of parliament, may be ſerved with legal proceſs for any juſt debt to the amount of 100*l.* and unleſs he makes ſatisfaction within two months, it ſhall be deemed an act of bankruptcy; and commiſſions of bankrupt may be iſſued againſt ſuch privileged traders, in like manner as againſt any other.

The claim of privilege has been uſually guarded with an exception as to treaſon, felony, and breach of the peace. Inſtances have not been wanting, wherein privileged perſons have been convicted of miſdemeanors, and committed or proſecuted to outlawry, even in the middle of a Seſſion; which proceeding has received the ſanction and approbation of parliament; and in the preſent reign, the writing and publiſhing of ſeditious libels was reſolved by both houſes not to be entitled to privilege. As the reaſons on which that deciſion was founded, extended equally to every indictable offence, the chief, if not the only privilege of parliament, in ſuch caſes, ſeems to be the right of receiving immediate information of the impriſonment of any member, with the reaſon for which he is detained.

To prevent the miſchiefs which might ariſe from placing the authority and privileges of parliament in hands incapable or improper; it is provided, that no one ſhall ſit or vote in either houſe, unleſs he be twenty one years of age; that no member

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be permitted to enter into the houſe of commons till he has taken the oath of allegiance before the lord ſteward or his deputy; and that no member ſhall vote or ſit in either houſe, till he has, in the preſence of the houſe, taken the oaths of allegiance, ſupremacy and abjuration, and ſubſcribed and repeated the declaration againſt tranſubſtantiation, and invocation of ſaints, and the ſacrifice of the maſs. Aliens, even if naturalized, cannot ſit in parliament; and there are not only theſe ſtanding incapacities; but if any perſon is made a peer by the king, or elected to ſerve in the houſe of commons by the people, yet may the reſpective houſes, upon complaint of any crime in ſuch perſon, and proof thereof, adjudge him diſabled and incapable to ſit as a member: and this, by the law and cuſtom of parliament.

The place of meeting of this high and honourable aſſembly is, in whatever city, town or place, the king may appoint, but of late years, it has uſually been held at the king's ancient palace at Weſtminſter; the lords in a room by themſelves, and the commons in one not far diſtant, which was formerly a chapel dedicated to St. Stephen.

Having thus noticed the moſt eſſential particulars relating to the general body of parliament, it remains to treat of each component part ſeparately, and firſt of

THE KING.

The king is ſtyled in law books, *caput parliamenti*, and it has already been obſerved, that, except in extreme caſes, a parliament cannot be legally held unleſs convoked by him, and he alone can diſſolve or prorogue it.

At the beginning of a parliament, and at the commencement of every ſeſſion after a prorogation, before either houſe can proceed upon any buſineſs, the cauſe of ſummons muſt be declared to both houſes, aſſembled, either by the king himſelf, or by ſome perſon by his command, or by perſons authorized by his commiſſion. The proceedings, therefore, on the 18th February, 1662; the 20th February, 1665; and on the 18th September, 1666; were certainly informal. Yet although this declaration of the cauſe of ſummons is neceſſary for opening the ſeſſion, and, as it were, to give life and exiſtence to the parliament, the houſe of commons are by no means obliged to proceed firſt, in the conſiderations of the matters expreſſed in the ſpeech; and there are frequent inſtances of their poſtponing it to other buſineſs, and ſometimes for ſeveral days. Indeed the uſual practice, for ſeveral years paſt, has been, immediately

on returning from the houſe of lords, to read a bill prepared of courſe by the clerk; in order, as is ſuppoſed, to aſſert the claim of not being obliged to give precedence to the ſubjects contained in the king's ſpeech. If the king is prevented by illneſs, or any other ſudden cauſe, from perſonal attendance, and no commiſſion is prepared, for opening, or further proroguing, the parliament; the houſe of commons ought immediately to adjourn. But in November 1788, a ſtrong exception to this practice occurred, when the king, from indiſpoſition, was unable to attend in perſon, or to ſign a commiſſion for proroguing, or holding the parliament. This deviation, however, from the ſtrictneſs of law is juſtified, like thoſe before enumerated, on the plea of irreſiſtible neceſſity.

It is highly expedient, for duly preſerving the privileges of the ſeparate branches of the legiſlature, that neither ſhould incroach upon the other; or interfere in any matter depending before them, ſo as to preclude, or even influence, that liberty in debate, or in action, which is eſſential to a free council. And therefore, neither the king, or lords, or commons, are to take notice of any bills, or other matters, depending, or of votes that have been given, or of ſpeeches which have been made by the members of either of the other branches of the legiſlature, until the ſame have been communicated to them in the uſual and parliamentary manner. There are, however, in the proceedings of parliament, exceptions to this rule, neceſſarily ariſing out of their own forms and orders. In caſes where the king is intereſted, as a party in any bill depending before the houſe of commons, either as patron of a living, lord of the manor or ſoil, or in any other manner; here, as it is the duty of his ſervants to acquaint him with the purport of ſuch bills, and to take care that his property or intereſt may be ſecured, or that he may have an adequate compenſation for them, it is uſual for the chancellor of the exchequer, or the chancellor of the duchy of Lancaſter, to acquaint the houſe, either on preſenting the petition, or in the courſe of the bill, "that his "majeſty, having been informed of its purport, gives his con- "ſent, ſo far as his intereſt is concerned, that the houſe may "do therein as they ſhall think fit." And this is no breach of the privilege of parliament, as it is a proceeding founded on the fundamental rules of natural juſtice. The purport of ſome bills muſt neceſſarily be communicated to the king, even before they are preſented; as bills for the reverſal of attainders or out-lawries, and for reſtitution in blood; or bills for granting honours or precedency. There is another caſe, where, by the ſtanding orders of the houſe of commons, it is neceſſary

that the king ſhould be acquainted with the nature of the petition, or proceeding, even before it is propoſed to the houſe; and that is, on application for public money. By the order of the 11th of December, 1706, which is declared to be a ſtanding order on the 11th of June, 1713, it is reſolved, "That "this houſe will receive no petition for any ſum of money, "relating to public ſervice, but what is recommended from "the crown." As ſoon, therefore, as any petition of this nature is offered, and before it can be received, it is neceſſary that the chancellor of the exchequer, or ſome other member, authorized by the king, ſhould acquaint the houſe, "That his ma"jeſty, having been informed of the contents of the ſaid "petition, recommends the ſame to conſideration." And the houſe, having conducted their proceedings rather according to the ſpirit of this order, than the words, have required the king's recommendation, not only in petitions from private perſons, but in other caſes of application for public money not coming from the crown: as on the eſtimate for paying and cloathing the militia; on augmenting the ſalaries of the judges; the purchaſing ſir William Hamilton's collection of antiquities; and in many other inſtances. A bill for a general pardon originates with the king; it is read but once in each houſe; but, like every other bill, receives the royal aſſent expreſſed in French.

Messages. Whenever the king, or any of his miniſters, or perſons employed by him, find it neceſſary, for the public ſervice, to put a member of the houſe of commons under arreſt; or when, in any public inquiry, matter is diſcloſed which may lead to affect the perſon of a member; or, to ſeize his papers; it has been the uniform practice immediately to acquaint the houſe of commons, that they may know the reaſons for ſuch a proceeding, and take ſuch ſteps as they think proper. The ſecurity of the perſons of the members is a moſt ſacred privilege, and therefore it is highly expedient, that, whenever the public neceſſity appears to juſtify any breach of it, the miniſters of the crown ſhould, as ſoon as poſſible, apprize the houſe of the ſteps they have taken, and the grounds of their reaſons. And this information is by a verbal meſſage, delivered by the ſecretary of ſtate, the chancellor of the exchequer, the ſecretary at war, or one of the commiſſioners of the admiralty, according to the department in which the proceeding ariſes.

But, when it is requiſite to deſire any proceeding on the part of the houſes, (as an augmentation of the army or navy, a ſupply of credit, or to pay arrears of the civil liſt,) it is uſual to ſend a written meſſage, ſigned by the king; and the bearer having

having informed the houſe, from the bar, that he has ſuch a meſſage, brings it up and delivers it to the ſpeaker. As ſoon as that officer has read the ſignature, the houſe ſhew their reſpect by remaining uncovered while it is reading. Where the ſubject of the meſſage is of a nature that it can properly be communicated to both houſes, it is expected that both ſhould receive it on the ſame day, and great indignation has been expreſſed when this juſt attention has been omitted.

When the king is in the houſe of lords, and requires the attendance of the other houſe, the meſſage is ſent by the gentleman uſher of the black rod. And, as it is the eſtabliſhed cuſtom, when the black rod knocks at the door, that he is admitted without any notice given by the ſerjeant to the houſe, or queſtion put, (which is neceſſary in meſſages from the lords, and in other caſes) it is apprehended that, as ſoon as he knocks, all other buſineſs muſt ceaſe, the door ſhould be opened, and, when he has delivered his meſſage, the ſpeaker and the houſe ought, without debate or delay, to attend the king in the houſe of peers.

Addresses. If a joint addreſs of both houſes is to be preſented; the lords aſcertain the time when the king will be attended with it; and inform the houſe of commons, by meſſage. The houſes then meet at the place and time appointed by the king, and the addreſs is read by the ſpeaker of the houſe of lords. Sometimes, inſtead of both houſes attending in a body, a committee from each houſe is appointed; and in this caſe the commons appoint double the number of the lords.

An addreſs of the houſe of commons alone is preſented by the whole houſe, or by ſuch particular members as are of the privy council. There is no preciſe rule to be drawn, either from the ſubject matter of the addreſs, or from the form in which it is drawn up, (whether only as a reſolution, or an addreſs prepared by a committee purſuant to a reſolution,) in what manner it ſhall be preſented. It has frequently been the practice to preſent reſolutions for an addreſs (without drawing them up in form) by the whole houſe.

Of the King's Attendance in Parliament. The king has an undoubted right to be preſent in the houſe of lords during the debates, without going in ſtate, or in any manner interfering in the proceedings. Charles II. and ſeveral of his ſucceſſors frequently did ſo; but from the acceſſion of George I. to the preſent time the practice has been, and perhaps wiſely, diſcontinued.

Assent to Bills. The king in perſon goes in ſtate to the houſe of lords to give his royal aſſent to bills; or it may be,

and moſt frequently is, done by commiſſion. To aſſent is moſt uſual, but it is an undiſputed prerogative of the ſovereign, and a prerogative which on ſome occaſions may be indiſpenſably requiſite, to refuſe ſuch aſſent. The right of refuſal was laſt exerciſed by Queen Anne in 1707, on a bill for ſettling the militia of Scotland; but, conſidering the animoſity which it muſt create between the ſovereign and the two houſes, it is moſt earneſtly to be deſired that ſuch occaſions may not occur. An inſtance is recorded, where the king apparently wiſhing to withhold his aſſent, without offending the two houſes, adopted an indirect and improper courſe. "There was a ſevere act," ſays Burnet, "paſſed in the end of Queen Elizabeth's reign, "by which thoſe who did not conform to the church were "required to abjure the kingdom, under pain of death; and "for ſome degrees of nonconformity, they were adjudged to "die, without the favour of baniſhment. Both houſes paſſed "a bill for repealing this act; it went, indeed, heavily in the "houſe of lords; for many of the biſhops, though they "were not for the putting that law in execution, which had "never been done but in one ſingle inſtance, yet they thought "the terror of it was of ſome uſe, and that the repealing it "might make the party more inſolent. On the day of the "prorogation, this bill ought to have been offered to the king; "but the clerk of the crown, by the king's particular order, "withdrew the bill. The king had no mind openly to deny "it, but he had leſs mind to paſs it; ſo this indiſcreet method "was taken, which was a high offence in the clerk of the "crown."

When the king is in the houſe of lords, or (if the royal aſſent is to be given in the other mode) when the commiſſion has been read, and the commiſſioners are ſeated in their robes, a clerk reads a liſt of the bills, and gives, or refuſes, the royal aſſent. When the royal aſſent is given to a public bill, the clerk ſays, *Le Roy le veut*. If a private bill, *Soit fait comme il eſt déſiré*. If the bill has ſubſidies for its objects, he ſays, *Le Roy remercie ſes loyaux ſujets, accepte leur benévolence et auſſi le veut*. Laſtly, if the king does not think proper to aſſent to the bill, the clerk ſays, *Le Roy s'aviséra*; which is a mild way of giving a refuſal.

This cuſtom of uſing the French language was introduced at the conqueſt, and formerly extended over all legal and judicial proceedings. In parliament it has continued like other matters of form, which ſometimes ſubſiſt for ages after the real ſubſtance of things has been altered. It is a badge (now the only one remaining), of conqueſt; and which ought to fall into total oblivion, unleſs it be reſerved as a ſolemn memento,

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to remind us that our liberties are mortal, having once been deſtroyed by a foreign force. By an act paſſed during the interregnum, and which is printed in Scobell's Collection, Anno 1650, ch. 37. it is enacted, "That all law proceedings "ſhall be in Engliſh."—The form of giving the aſſent to bills was accordingly altered, during the Protectorate of Cromwell; for on the firſt of October, 1656, it is reſolved, "That when "the lord protector ſhall paſs a bill, the form of words to be "uſed ſhall be theſe, *The lord protector doth conſent.*" There was alſo a report of lord chief juſtice Glyn, of the form of words to be uſed, and entered on a bill, that had paſſed the parliament, "*Let this bill be preſented to the lord protector for his* "*conſent.*" On the 9th of June, 1657, Cromwell, in giving his conſent to two bills of ſupply, added, "Underſtanding it "hath been the practice of thoſe, who have been chief "governors, to acknowledge, with thanks to the commons, "their care and regard for the public, I do very heartily and "thankfully acknowledge their kindneſs therein."—On the 24th March, 1706, the houſe of lords, adopting the good ſenſe of theſe proviſions, paſſed a bill "for aboliſhing the uſe of "the French tongue in all proceedings in parliament and "courts of juſtice." It was read twice in the houſe of commons and committed, but never reported from the committee. —The bill directed, "That inſtead of, *Le Roy le veut*, theſe "words be uſed, the king anſwers *Be it ſo.* Inſtead of *Soit* "*fait comme il eſt déſiré*, theſe words be ſubſtituted, *Be it as* "*it is prayed:* Where theſe words, *Le Roi remercie ſes bons* "*ſujets, accepte leur benevolence, & auſſi le veut*, have been uſed, "it ſhall hereafter be, *The king thanks his good ſubjects, accepts* "*their benevolence, and anſwers, Be it ſo.* Inſtead of *Le Roi* "*s'aviſéra*, theſe words *The king will conſider of it* be uſed." And the bill alſo directed, "That the entry of the order for "any bills to the lords or commons, or the entry of their con- "ſent, ſhould for the future be in the Engliſh tongue, and "not in the French.—And that in all parliamentary proceed- "ings, or the proceedings in any court of law or juſtice, the "French tongue ſhall not be hereafter continued, but the "Engliſh tongue ſhall be uſed in its place."—Why this bill was rejected by the commons, or why its proviſions, with reſpect to proceedings in parliament, were not adopted, in an act which afterwards paſſed in the year 1731, "That all "proceedings in courts of juſtice ſhould be in Engliſh," is not known.

PROROGATION. It ſeems to be decided that the king cannot by his own authority adjourn, but he alone can prorogue the parliament. The different effects of a prorogation and an

adjournment are, that, the firſt concluding the ſeſſion, all bills, or other proceedings depending in either houſe, in whatever ſtate they are, are entirely put an end to, and muſt, in the next ſeſſion, be inſtituted again, as if they had never been begun.—Whereas upon an adjournment, every proceeding remains entire, and may, at the meeting after the receſs, be taken up in the ſtate, and at the period, where it was left.

A prorogation is either by the king's command, and in his preſence ſignified by the lord chancellor, or ſpeaker of the houſe of lords, to both houſes—or by writ under the great ſeal, directed to the lords and commons, or by commiſſioners appointed by a ſpecial commiſſion for that purpoſe.—The firſt is the uſual mode of proceeding, where the parliament is prorogued at the cloſe of the ſeſſion. Prorogation by writ does not take place except upon the meeting of a new parliament after a general election, and before a ſpeaker of the houſe of commons is choſen; on this occaſion, when the members of the houſe of commons come to the place appointed for adminiſtering to them the oaths, by the lord ſteward or his deputies; on their being informed, that the parliament is to be prorogued by writ, directed to the lords and commons, they proceed directly, without entering their own houſe, or expecting any meſſage from the lords, to the houſe of peers, where the writ for proroguing the parliament is read. The entry of the tranſaction is made in the journal of the houſe of commons, without expreſſing by whom, or on what authority, the information was conveyed. Proroguing by ſpecial commiſſioners is the uſual form, when the parliament meets, from time to time, during the receſs.

Opening of the Session. On meeting after prorogation, it is irregular for the houſes to proceed to buſineſs till the cauſe of ſummons has been declared, and the ſeſſion opened by the king, or perſons authorized by him, in the houſe of lords; and if, from any cauſe, the king does not come in perſon, or ſend a commiſſion for opening the ſeſſion, or proroguing the parliament, the houſe of commons ought to do nothing, but adjourn to a future day.

It is not neceſſary by law to give forty days notice of the meeting of parliament for diſpatch of buſineſs after a prorogation, the ſtatute 7th and 8th William III. requiring only that "there "ſhall be forty days between the teſte and returns of the "writs of ſummons." When notice has been once given by proclamation, that parliament ſhall ſit for diſpatch of buſineſs, if it is neceſſary further to prorogue it, no renewed notice is neceſſary, becauſe it is ſuppoſed, that all the members attend in conformity to the firſt proclamation. But although no

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poſitive law requires forty days notice of the ſitting for diſpatch of buſineſs, the regular and eſtabliſhed practice is, that the parliament is, in the courſe of the receſs, prorogued from time to time, by commiſſioners authorized by his majeſty, of which prorogations notice is given by proclamation, or by order in council publiſhed in the Gazette; and, when it is intended that the parliament ſhall actually ſit for diſpatch of buſineſs, notice is ſpecified in the proclamation; and that proclamation generally bears date at leaſt forty days before the day appointed for the meeting.

Dissolution. By the act of the 1ſt of George I. ſtatute 2, c. 38, the crown is reſtrained from continuing the exiſtence of a parliament for a longer term than ſeven years; to be accounted from the day on which, by the writ of ſummons, they were appointed to meet. This law, commonly called the Septennial Act, extended the duration of parliaments to ſeven years; which, by the act, of the 6th of William and Mary, chap. 2. had been limited to three. Before this act of William and Mary, which paſſed in 1694, there was by law no limitation of time for the duration of parliaments; the crown was at liberty, if it found a parliament ſubſervient to its views, to extend its exiſtence for any term; and, in fact the parliament which was elected in 1661, ſoon after the reſtoration, was not diſſolved till January, 1678-9, having continued almoſt eighteen years. The acts in force before the reign of William did not limit the duration of each parliament to three years, but provided only that their ſittings ſhould not be ſuſpended beyond that term.

But the king may diſſolve the parliament at his pleaſure, either during a ſitting, an adjournment, or a prorogation; in perſon or by commiſſion under the great ſeal, if the parliament be ſitting; or, if prorogued, by proclamation. It has been the uninterrupted practice, ſince the revolution, to prorogue the legiſlature to a certain day; and then iſſue a proclamation, diſcharging the members from their attendance on that day, and diſſolving the parliament. The reaſon for this mode of proceeding is probably founded in a ſentiment delivered by Charles I. in his ſpeech in 1628. "That it ſhould be a general maxim "with kings, themſelves only to execute pleaſing things, and to "avoid appearing perſonally in matters that may ſeem harſh "and diſagreeable." For, however proper it may be frequently to appeal to the ſenſe of the nation at large, by the election of a new parliament; and however flattering to the electors; to the elected, a diſſolution is generally an unwelcome meaſure.

THE HOUSE OF LORDS.

How composed. The Houſe of Lords is compoſed of the lords ſpiritual and temporal of England, who are to be ſummoned, *ex debito juſtitiæ*. Sixteen peers of Scotland, and one archbiſhop, three biſhops, and twenty eight temporal lords of Ireland, by virtue of the reſpective acts of union, ſeverally repreſent thoſe kingdoms. Beſides theſe, the judges of England ſit, by virtue of the king's writ of aſſiſtance; the maſters in chancery, by virtue of their office; and his majeſty's attorney and ſolicitor general, and counſel learned in the law, attend on requiſite occaſions, to give advice; but none but the peers of parliament can vote on any queſtion.

Origin of Peerage. The right to ſit in the houſe of peers originated entirely in the poſſeſſion of land. At the conqueſt, all perſons found in arms againſt the invader forfeited their eſtates; which he gave to Normans: and he compelled all thoſe who were not in arms againſt him to take out patents to hold their lands of himſelf. To complete this meaſure, he made a general ſurvey of the kingdom, which was called *domeſday*, and changed the nature of the tenure, which, in the Saxon times, was *allodial*, into *feudal*, to be holden of himſelf by knights ſervice. Thus he made the property of eſtates depend on allegiance to him. All poſſeſſors who enjoyed the fruits or revenue of any eſtate, held thoſe privileges, either mediately or immediately, of the crown; and their property was conceived to be, in ſome degree, conditional. The land was ſtill apprehended to be a ſpecies of *beneficé*, which was the original conception of a feudal property; and the vaſſal owed, in return for it, ſtated ſervices to his baron, as the baron himſelf did for his land to the king. The vaſſal was obliged to defend his baron in war; and the baron, at the head of his vaſſals, was bound to fight in defence of the king and kingdom. But, beſides theſe military ſervices, which were caſual, there were others impoſed of a civil nature, which were more conſtant and durable. The king, when he found it neceſſary to demand any ſervice of his barons, or chief tenants, beyond what was due by their tenures, was obliged to aſſemble them, in order to obtain their conſent: and when it was neceſſary to determine any controverſy which might ariſe among the barons themſelves, the queſtion muſt be diſcuſſed in their preſence, and be decided according to their opinion or advice. In theſe two circumſtances of conſent and advice, conſiſted chiefly the civil ſervices of the ancient barons; and theſe implied all the conſiderable incidents of government. In one view

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the barons regarded this attendance as their principal privilege; in another, as a grievous burden. That no momentous affairs could be tranſacted without their conſent and advice, was, in general, eſteemed the great ſecurity of their poſſeſſions and dignities: but as they reaped no immediate profit from their attendance at court, and were expoſed to great inconvenience and charge, by an abſence from their own eſtates, every one was glad to exempt himſelf from each particular exertion of this power; and was pleaſed, both that the call for that duty ſhould ſeldom return upon him, and that others ſhould undergo the burden in his ſtead. The king, on the other hand, was uſually anxious, for ſeveral reaſons, that the aſſembly of the barons ſhould be full at every ſtated or caſual meeting. This attendance was the chief badge of their ſubordination to the crown; and drew them from that independence which they were apt to affect in their own caſtles and manors; and where the meeting was thin or ill attended, its determinations had leſs authority, and commanded not ſo ready an obedience from the whole community. The archbiſhops, biſhops, and barons, which included earls, the higheſt title of nobility then known, were thus obliged to ſit in the great council, or, as it was afterwards called, parliament; but another claſs of military tenants, thoſe who held *in capite*, by knights' ſervice, had a right, though they were not compellable, to attend. All the immediate military tenants of the crown amounted not fully to ſeven hundred, when doomſday-book was framed: and as the members were well pleaſed, on any pretext, to excuſe themſelves from attendance, the aſſembly was never likely to become too numerous for the diſpatch of public buſineſs.

Creation. Diſtinctions of nobility thus proceeding from land, were taken as titles from the conqueſt; and the poſſeſſors of them were called to parliament by ſummons. Since that time peers have been created by inveſtiture, and by patent, which laſt mode was introduced by Richard II. in the eleventh year of his reign, and is now moſt generally uſed: but peerages are created both by writ and patent, without any regard to tenure or eſtate. The creation by writ, or the king's letter, is a ſummons to attend the houſe of peers, by the ſtile and title of that barony which the king is pleaſed to confer: that by patent is a royal grant to a ſubject of any dignity and degree of peerage. The creation by writ is the more ancient way; but a man is not ennobled thereby, unleſs he actually takes his ſeat in the houſe of lords: and ſome are of opinion, that there muſt be at leaſt two writs of ſummons, and a ſitting in two diſtinct parliaments, to evidence an hereditary barony: and therefore the moſt uſual, becauſe the ſureſt, way is to grant the

the dignity by patent, which enures to a man and his heirs according to its limitation, though he never himſelf makes uſe of it. Yet it is frequent to call up the eldeſt ſon of a peer to the houſe of lords by writ of ſummons, in the name of his father's barony; becauſe in that caſe there is no danger of his children loſing the nobility, in caſe he never takes his ſeat; for they will ſucceed to their grandfather. Creation by writ has alſo one advantage over that by patent: for a perſon created by writ holds the dignity to him and *his heirs*, without any words to that purport in the writ; but in letters patent there muſt be words to direct the inheritance; elſe the dignity enures only to the grantee for life. The form of creation by patent is thus deſcribed: Firſt, the king's warrant iſſues for making out the letters patent; which, when made out, are carried to the chancellor to be paſſed under the great ſeal; and he immediately indorſes on them his *recepi*. Whenever they are afterwards ſealed, the date of paſſing them under the great ſeal muſt be the ſame with that of the *recepi*. A peerage by creation does not commence till this indorſement takes place; and if either the king, or the perſon to be created, ſhould die before it, no benefit could accrue to the intended peer or his heirs, even though the warrant ſhould have been ſigned. But as ſoon as the *recepi* is indorſed, the peerage takes place; becauſe the chancellor, or keeper of the great ſeal, muſt, by the ſtatute of the 18th of Henry VI. when he fixes the great ſeal to the patent, ante-date it to the day of the *recepi*. If the king were to die after the day of that date, the great ſeal might be put to the patent; or, if the intended peer were to die in the ſame period, his heirs would have the benefit of the peerage.

The ceremony of admitting a peer into the houſe, is thus: he is brought in between two lords; a king at arms bears his patent or writ of ſummons, and preſents it kneeling to the lord chancellor, who, having read it, congratulates the peer on becoming a member of the houſe, and inveſts him with his parliamentary robe. The patent is then delivered to the clerk of the parliament; and the oaths having been adminiſtered, the new peer is conducted to his ſeat on the proper bench.

Lords Spiritual. The lords ſpiritual in parliament are: for England, two archbiſhops, and twenty-four biſhops*; and for Ireland, one archbiſhop and three biſhops: the Engliſh for life; the Iriſh by rotation. In the Saxon times, the lords ſpiritual held by *frankalmoigne*, but yet made great part of the grand council of the nation, being the moſt learned perſons,

* At the diſſolution of monaſteries by Henry VIII. there were likewiſe twenty-ſeven mitred abbots, and two priors: a very conſiderable body, and in thoſe times equal in number to the temporal nobility.

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that in thoſe times of ignorance met to make laws and regulations: but William the Conqueror turned the *frankalmoigne* tenures of the biſhops and ſome of the great abbots into baronies; and thenceforward they were obliged to ſend perſons to the wars; or were aſſeſſed to the eſcuage, and were obliged to attend in the king's court: this attendance they complained of as a burthen; alleging that the court of parliament took cognizance of treaſons and felonies; and, by the canon of Toledo, the clergy were forbidden to give judgment in blood. To obviate this objection, the conſtitutions of Clarendon permitted them to withdraw in caſes of blood; but ſtill they were obliged to do ſuit, and ſuch ſuits confirmed their eſtates as baronies; and as barons they ſit in the houſe of lords at this day. The deſcription of each ſeparate biſhoprick does not belong to this portion of the work, but will be found under the head Clergy. The archbiſhops rank above all dukes, except princes of the blood; the biſhops next below viſcounts.

Temporal Lords. The number of the other branches of nobility is not limited; it being the prerogative of the king to exalt and advance ſuch of his ſubjects as he thinks deſerving. "The diſtinction of rank and honour," Blackſtone obſerves, "is neceſſary in every well-governed ſtate; in order to reward ſuch as are eminent for their ſervices to the public, in a manner the moſt deſirable to individuals, and yet without burden to the community; exciting thereby an ambitious yet laudable ardour, and generous emulation, in others. And emulation, or virtuous ambition, is a ſpring of action which, however dangerous or invidious in a mere republic, or under a deſpotic ſway, will certainly be attended with good effects under a free monarchy; where, without deſtroying its exiſtence, its exceſſes may be continually reſtrained by that ſuperior power, from which all honour is derived. Such a ſpirit, when nationally diffuſed, gives life and vigour to the community; it ſets all the wheels of government in motion, which, under a wiſe regulator, may be directed to any beneficial purpoſe; and thereby every individual may be made ſubſervient to the public good, while he principally means to promote his own particular views. A body of nobility is alſo more peculiarly neceſſary in our mixed and compounded conſtitution, in order to ſupport the rights of both the crown and the people, by forming a barrier to withſtand the encroachments of both. It creates and preſerves that gradual ſcale of dignity, which proceeds from the peaſant to the prince; riſing like a pyramid from a broad foundation; and diminiſhing to a point as it riſes. It is this aſcending and contracting proportion that adds ſtability to any government; for when the departure is ſudden from one ex-

treme to another, we may pronounce that ſtate to be precarious. The nobility, therefore, are the pillars which are reared from among the people, more immediately to ſupport the throne; and, if that falls, they muſt alſo be buried under its ruins. Accordingly, when in the laſt century the commons had determined to extirpate monarchy, they alſo voted the houſe of lords to be uſeleſs and dangerous. And ſince titles of nobility are thus expedient in the ſtate, it is alſo expedient that their owners ſhould form an independent and ſeparate branch of the legiſlature. If they were confounded with the maſs of the people, and like them had only a vote in electing repreſentatives, their privileges would ſoon be borne down and overwhelmed by the popular torrent, which would effectually level all diſtinction. It is therefore highly neceſſary that the bodies of nobles ſhould have a diſtinct aſſembly, diſtinct deliberations, and diſtinct powers from the commons."

The temporal peers conſiſt of dukes, marquiſſes, earls, viſcounts, and barons.

Dukes. This title of nobility was not uſed in England till 270 years after the conqueſt. William being himſelf only a duke in Normandy, did not confer it on any of his courtiers: and the ſame reaſon probably influenced ſeveral of his ſucceſſors. But when Edward III. planned the conqueſt of France, and about a year before he aſſumed the title of king of that country, he introduced a new order of nobility, to inflame the military ardour and ambition of his earls and barons, by creating his eldeſt ſon prince Edward, duke of Cornwall. This was done with great ſolemnity in full parliament, at Weſtminſter, March 17, 1337. Many perſons, and of the royal family in particular, were afterwards raiſed to the like honour. However, in the reign of Queen Elizabeth, 1572, the whole order became utterly extinct; but it was revived about fifty years afterwards by her ſucceſſor, who was remarkably prodigal of honours, in the perſon of George Villiers, duke of Buckingham. When the Black Prince was created duke of Cornwall, the only ceremony at his inveſtiture was girding him with the ſword. When John of Gaunt, ſon of king Edward III. was created duke of Lancaſter, by the ſame monarch, he had inveſtiture, not only by the king's girding him with the ſword, but putting on him a cap of fur, under a coronet of gold ſet with precious ſtones. In the 21ſt of Richard II. the duke of Hereford, and ſeveral others, were created by putting a cap of honour on their heads, and by delivering a rod into their hands; then the ſurcoat, mantle, hood, and patent, were introduced with much ceremony: all which is now omitted, they being created by patent only. The mantle and ſurcoat which a duke wears at a

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coronation are of crimſon velvet, lined with white taffeta; and the mantle is doubled from the neck to below the elbow with ermine, having four rows of ſpots on each ſhoulder. His parliamentary robes are of fine ſcarlet cloth, lined with white taffeta, and doubled with four guards of ermine at equal diſtances, with gold lace above each guard, and tied up to the left ſhoulder by a black ribbon. His cap is of crimſon velvet, lined with ermine, having a gold taſſel on the top; and his coronet, which is of gold alſo, is ſet round with flowers, in the ſhape of ſtrawberry leaves. He is ſtyled, *his grace;* and uſually termed by the king or queen, *our right truſty and right entirely beloved couſin*; and if of the privy council, the addition of *counſellor*. His title is, the *high and mighty prince.*

MARQUISSES. This dignity, called in Latin, *marchio*; by the Saxons, *markin reve*; and by the Germans, *markgraf*; which the French, and we after them, have ſoftened into *margrave*, took its origin from mark or march, which, in the language of the northern nations, is a limit or bound; and the office of a marquis was to guard or govern the frontiers of a province. This title was introduced ſeveral years after that of duke had been eſtabliſhed, being firſt conferred on Robert de Vere, earl of Oxford, who was created marquis of Dublin, and placed in parliament between the dukes and earls. The creation to this dignity was with nearly the ſame ceremony as that of a duke; but they are now made by patent under the great ſeal. His coronation robes are of crimſon velvet, lined with white taffeta, and have four guards of ermine on the right ſide, and three on the left, ſet at equal diſtances, with gold lace above each guard, and tied up to the left ſhoulder by a ribbon. His cap is crimſon velvet, lined with ermine, having a gold taſſel at top. His coronet is of gold, and has pearls and ſtrawberry leaves, mixed alternately round, of equal height. His title is, *moſt noble and puiſſant prince;* and he is ſtyled by the king or queen, *our right truſty and entirely beloved couſin.*

EARLS. An earl is a title of nobility ſo ancient, that its origin cannot be clearly traced. Among the Saxons, earls were called *ealdormen*, quaſi eldermen, ſignifying the ſame as *ſenior* or *ſenator*, among the Romans; and alſo *ſchiremen*, becauſe each of them had the civil government of a ſeparate diviſion or ſhire. On the irruption of the Danes, they changed the name to *Eorles*, which, according to Camden, ſignified the ſame in their language. In Latin they are called *Comites*, (a title firſt uſed in the empire,) from being the king's attendants; "*a ſocietate nomen ſumpſerunt; reges enim tales ſibi aſſociant.*" After the Norman conqueſt, they were for ſome time called *counts*, or *countees*, from the French; but they did not long retain that name themſelves, though their ſhires are ſtill denominated from

from thence. Theirs was long the higheſt rank of nobility in England, till Edward III. created dukes; and Richard II. created marquiſſes; who both had precedency aſſigned above earls. They had anciently, for the ſupport of their ſtate, the third penny out of the ſheriff's court, iſſuing out of the pleas of the ſhire which gave them their title; as in ancient times there were no counts or earls but had a county or ſhire for his earldom. Afterwards, the number of earls increaſing, they took titles from eminent towns or villages, or even from their own ſeat or park; and ſome from illuſtrious families, as Saliſbury, Peterborough, Stamford, Paulet, Cholmondeley, Ferrers, Waldegrave, Stanhope, Aſhburnham. Nor were their titles confined to England alone, as ſome were taken from France, as Albemarle and Tankerville. Upon the increaſe of earls, their revenue ceaſed; their powers were much abridged; it became the cuſtom of the kings of England to aſſign ſome ſtated penſion to the perſon whom he enobled, for the better ſupport of his dignity; and it was commonly done in the following proportion: viſcounts, a fee of twenty marks; earls, of twenty pounds; marquiſſes, forty marks; and dukes, of forty pounds, out of ſome particular part of the royal revenue. A creation fee to barons was not ſettled; but Charles I. when he created Mountjoy Blount, Lord Mountjoy, of Thurveſton, in Derbyſhire, aſſigned to him and his heirs-male a creation-fee of twenty marks per annum. Anciently an earl was created with nearly the ſame ceremony as a duke or marquis, but it is now done by letters patent; his coronation robe is the ſame as a duke or a marquis, except that he has only three rows of ſpots. His parliamentary robes reſemble thoſe of a duke or marquis, except that he has only three guards of ermine and gold lace. His cap is the ſame as theirs. It is uncertain when the coronets of dukes, marquiſſes, and earls, were ſettled. Sir Robert Cecil, earl of Saliſbury, viſcount Cranbourn, was the firſt of that degree who wore a coronet. An earl's coronet has pearls raiſed on points, and ſtrawberry-leaves low between them. His title is, *right honourable*, and he is ſtyled by the king or queen, *our right truſty, and right well beloved couſin.*

Viscounts. The name of vice-comes or viſcount, was made uſe of as an arbitrary title of honour, without any ſhadow of office pertaining to it, by Henry VI.; when, in the eighteenth year of his reign, he created John Beaumont a peer, by the name of viſcount Beaumont, which was the firſt inſtance of the kind. His coronation robes are the ſame as an earl's, except that he has only two rows of plain white fur; and the ſame diſtinction on his parliamentary robes. His cap is the ſame; and his coronet is ſurrounded with a row of pearls cloſe to the chaplet.

chaplet. His ſtyle is, *right honourable*, and he is called by the king or queen, *our right truſty, and well beloved couſin.*

BARONS. A baron's is the moſt general and univerſal title of nobility; for originally every one of the peers of ſuperior rank had alſo a barony annexed to his other titles. But it has happened that, when an ancient baron has been raiſed to a new degree of peerage, in the courſe of a few generations the two titles have deſcended differently; one perhaps to the male deſcendants, the other to the heirs general; whereby the earldom or other ſuperior title has ſubſiſted without a barony: and there are alſo modern inſtances, where earls and viſcounts have been created without annexing a barony to their other honours: ſo that now the rule does not hold univerſally, that all peers are barons. The origin and antiquity of baronies have occaſioned great inquiries among Engliſh antiquaries. The moſt probable opinion ſeems to be, that they were the ſame with our preſent lords of manors; to which the name of court baron (which is the lord's court, and incident to every manor) gives ſome countenance. It may be collected from king John's *magna charta*, that originally all lords of manors, or barons, that held of the king *in capite*, had ſeats in the great council or parliament, till their conflux becoming large and troubleſome, the king was obliged to divide them, and ſummon only the greater barons in perſon; leaving the ſmall ones to be ſummoned by the ſheriff, and (as it is ſaid) to ſit by repreſentation in another place, which gave riſe to the ſeparation of the two houſes of parliament. By degrees the title came to be confined to the greater barons, or lords of parliament only; and there were no other barons among the peerage but ſuch as were ſummoned by writ, in reſpect of the tenure of their lands or baronies, till Richard II. firſt made it a mere title of honour, by conferring it on divers perſons by his letters patent. The firſt baron made by patent was inveſted with a mantle and cap. The coronation robes of a baron are the ſame as an earl's, except that he has only two rows of ſpots on each ſhoulder. In like manner his parliamentary robes have but two guards of white fur, with rows of gold lace. In other reſpects they are the ſame as other peers. Charles II. granted a coronet to the barons. It has ſix pearls, ſet at equal diſtances on the chaplet. His cap is the ſame as a viſcount's. His ſtyle is, *right honourable*; and he is called by the ſovereign, *right truſty, and well beloved.*

All perſons of the above mentioned dignities ſit in parliament of their own right, ſubject only to the oaths and teſts preſcribed by law, and to the proviſion of the ſtat. 30 Charles II. which excludes thoſe who do not conform to the proteſtant religion.

PEERS

PEERS OF SCOTLAND. By the articles of union which connect Scotland with England in one legiſlature, and the act of parliament for carrying them into effect, it is provided, that of the peers of Scotland, at the time of the union, ſixteen ſhall be the number to ſit and vote in the houſe of lords; and that the ſaid ſixteen peers who ſhall have a right to ſit in the houſe of peers in the parliament of Great Britain on the part of Scotland, ſhall be named by the peers whom they repreſent, their heirs, or ſucceſſors, out of their own number, by open election and plurality of voices of the peers preſent, and of the proxies for ſuch as ſhall be abſent, the ſaid proxies being peers, and producing a mandate in writing duly ſigned before witneſſes, and both the conſtituent and the proxy being qualified according to law; and it is declared that ſuch peers as are abſent, being duly qualified, may ſend to all ſuch meetings liſts of the peers whom they judge fitteſt, validly ſigned, which ſhall be reckoned in the ſame manner as if the parties had been preſent, and given in the liſt. And in caſe of the death, or legal incapacity, of any of the ſaid ſixteen peers, the aforeſaid peers of Scotland ſhall nominate another of their own number in place of the ſaid peer or peers in like manner. And for the election of peers in future, a writ was to be iſſued under the great ſeal of the united kingdom, directed to the privy council of Scotland; but it being afterwards found neceſſary to aboliſh that privy council, it was enacted by the ſtatute 6th of Anne, c. 23. that in order to the electing and ſummoning the ſixteen peers of Scotland, a proclamation ſhould be iſſued under the great ſeal of Great Britain, and publiſhed at the market croſs at Edinburgh, and in all the county towns of Scotland, twenty five days before the meeting, commanding all the peers of Scotland to aſſemble at Edinburgh, or in ſuch other place in Scotland, and at ſuch time as ſhould be appointed in the ſaid proclamation, to elect by open election, their ſixteen peers; and it was further provided, that peers, who might be in Scotland, but not preſent at ſuch meeting, might take the oaths and ſubſcribe the declaration in any ſheriff's court in Scotland, which the ſheriff was to return under his hand and ſeal to the peers aſſembled, or if ſuch peer was reſident in England, he was to take ſuch oaths and ſubſcribe ſuch declaration in one of the four courts of Weſtminſter, and it was to be certified under the ſeal of ſuch court; and ſuch peers were intitled to vote by proxy, or to ſend a liſt ſigned by them, declaring for whom their votes were to be recorded. And any peer who had once taken the oaths, and which fact had been certified in due form in Scotland, might, if abſent on ſervice, make his proxy, or ſend his liſt; but no peer to hold more than two proxies.

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This election has generally been holden at Holyrood Houſe, in Edinburgh. For prevention of tumult and violence, it was by the laſt mentioned ſtatute provided, "that the peers ſhall "come to ſuch meetings with their ordinary attendants only, "according to, and under the ſeveral penalties inflicted by the "laws and ſtatutes in force in Scotland, which preſcribe "and direct with what numbers and attendants the ſubjects "there may repair to the public courts of juſtice, and that it "ſhall not be lawful for the peers ſo aſſembled and met toge-"ther to act, propoſe, debate, or treat of any other matter or "thing whatſoever, except only the election of the ſaid ſix-"teen peers; and that every peer who ſhall at ſuch meeting "preſume to propoſe, debate or treat of any other matter or "thing, ſhall incur the penalty of *præmunire*."

Soon after the union, (20th December 1711,) it was reſolved in the caſe of the Duke of Hamilton and Brandon, "that no "patent of honour granted to any peer of Great Britain who "was a peer of Scotland, at the time of the union, ſhould "entitle him to ſit and vote in parliament, or upon the trial of "peers." And the ſame doctrine was adhered to in the following caſe: the Duke of Queenſberry's ſecond ſon was created Earl of Solway in Scotland, when an infant; and afterwards the duke was created Duke of Dover, with remainder to ſuch ſecond ſon, and ſat in two parliaments under this creation. But upon his death it was objected, and ſo reſolved by the lords, that the Scotch earldom of Solway incapacitated the then claimant from taking the dukedom of Dover by virtue of ſuch remainder. But theſe reſolutions have been lately overruled. The peerage of Brandon has been again claimed, when it was urged, that even ſuppoſing the former deciſions to ſtand, ſtill the patent was not void; that the incapacity to ſit in parliament was only perſonal in the then duke, and his heirs in tail male were entitled to the peerage of Brandon, with all its rights. The matter, however, was taken up in a more general view. For the entry in the lords' journals is as follows: "After hearing counſel, on the petition of Douglas, Duke of "Hamilton and Brandon, praying a writ of ſummons to par-"liament by the title of duke of Brandon, the following "queſtion was put to the judges: whether, by the twenty-third "article of the act of union, which declares all peers of Scot-"land to be peers of Great Britain, with all the privileges "enjoyed by the peers of England, except the right and privi-"lege of ſitting in the houſe of lords, and the privileges "depending thereon, the peers of Scotland be diſabled from "receiving, ſubſequently to the union, a patent of peerage of "Great Britain, with all the privileges uſually incident thereto?

" the lord chief baron of the court of Exchequer delivered the " unanimous opinion of the judges, that the peers of Scotland " are not disabled from receiving, subsequently to the union, " a patent of peerage of Great Britain, with all the privileges " usually incident thereto:" whereupon a report was ordered to be presented to his majesty, certifying that the said duke of Brandon is entitled to his writ of summons.

In consequence of this decision, several Scotch peers were soon afterwards created peers of Great Britain. But in 1708-9, the house had come to the following resolution: " That a peer " of Scotland, claiming to sit in the house of lords by virtue " of a patent, passed under the great seal of Great Britain, " after the union, and who now sits in the parliament of Great " Britain, has no right to vote in the election of the sixteen " peers to represent Scotland." And this resolution standing on the journals unimpeached, it seemed to follow that the seat of one of the sixteen peers as a representative peer, became vacant on his accepting, or succeeding to an inelective seat. And therefore, when the earl of Abercorn, an elective peer of Scotland, was created a peer of Great Britain, the house resolved, 14th February 1787, that he thereby ceased to sit as a representative of the peerage of Scotland, and in May following it was ordered, " That a copy of the resolution of January " 21st, 1708—9; be transmitted by the clerk of the parlia- " ments to the lord clerk registrar of Scotland, with injunction " to conform thereto." And again on the 21st April 1788, it was resolved, " That it is the opinion of this house, that the " lord clerk registrar and his deputies, acting at the election of " the Scots peers, ought to conform to the resolutions of this " house, of which they have had notice by order of the house." In obedience to these orders, the deputies of the lord clerk registrar refused to admit the votes of the duke of Queensberry, lord Abercorn, and other lords in a similar situation at the following general election in the year 1790. This refusal occasioned an application to the house on behalf of those peers, when, after a long investigation and debate, the house overruled its former resolutions, and decided 23d May, 1793, " That the votes of the duke of Queensberry and the earl of " Abercorn, if duly tendered at the last election for peers of " Scotland, ought to be counted." And it was afterwards resolved, 6th June 1793, " That their tender of votes was a " due and sufficient tender," and they were added to the lists. These resolutions having established that the accepting, or succeeding to an inelective seat, posterior to the union, did not incapacitate a peer of Scotland from voting in the election of the representatives of the Scottish peerage, the inference which followed

followed from the contrary doctrine was neceſſarily done away, and the ſucceſſion to ſuch a ſeat was determined not to vacate the ſeat of a repreſentative peer. A motion, therefore, for an addreſs, praying the king "to iſſue a proclamation for the "election of a peer to repreſent the peerage of Scotland, in "the room of the lord viſcount Stormont, who, ſince his election, "had become earl of Mansfield, of Middleſex, and taken his "ſeat in the houſe accordingly;" was, after debate, negatived.

At the election in 1790, Sir James Sinclair voted by proxy as earl of Caithneſs, his claim to that dignity not having been allowed, but being then pending. His vote was objected to, on the grounds that he had no right to the title he aſſumed; or, ſuppoſing his claim ſhould be admitted, yet as it was not actually allowed at the time of the election, he was not then in a capacity to vote. But the houſe reſolved, "That Sir "James Sinclair had made out his claim to the title of earl of Caithneſs," and that reſolution was followed by another, "That the votes given by the earl of Moray, as proxy for the earl of Caithneſs, were good."

PEERS OF IRELAND. The repreſentative peerage of Ireland differs from that of Scotland in theſe particulars; it has an archbiſhop and three biſhops, which the form of church government in Scotland does not admit of, and the temporal peers are elected for life inſtead of being removed at the termination of every parliament.

By the act of union, which recites the articles agreed on by the parliaments of Great Britain and Ireland, and an act for regulating the mode by which the lords ſpiritual and temporal, and the commons, to ſerve in the parliament of the united kingdom on the part of Ireland, ſhall be ſummoned and returned to the ſaid parliament: it is eſtabliſhed that four lords ſpiritual of Ireland, by rotation of ſeſſions, and twenty-eight lords temporal of Ireland elected for life by the peers of Ireland, ſhall be the number to ſit and vote on the part of Ireland in the houſe of lords of the parliament of the united kingdom.

The rotation of Archbiſhops ſhall be as follows:

Firſt Seſſion. The Primate of all Ireland.
Second Seſſion. The Archbiſhip of Dublin.
Third Seſſion. The Archbiſhop of Caſhel; and,
Fourth Seſſion. The Archbiſhop of Tuam; and ſo by rotation for ever.

The rotation of the Biſhops.

Firſt Seſſion. The Biſhops of Meath, Kildare, and Derry.
Second Seſſion. The Biſhops of Raphoe; Limerick, Ardfert and Aghadoe; and Dromore.

Third Seſſion. The Biſhops of Elphin, Down and Connor, and Waterford and Liſmore.

Fourth Seſſion. The Biſhops of Leighlin and Ferns, Cloyne, and Cork and Roſs.

Fifth Seſſion. The Biſhops of Killaloe and Kilfenora, Kilmore, and Clogher.

And, Sixth Seſſion. The Biſhops of Oſſory, Killala and Achory, and Clonfert and Kilmacduagh.

This rotation is, however, ſubject to variation from the following proviſion: That in caſe any lord ſpiritual, being a temporal peer of the united kingdom, or being a temporal peer of Ireland, ſhall be choſen by the lords temporal to be one of their repreſentatives, in every ſuch caſe, during the life of ſuch ſpiritual peer, the rotation of repreſentation of the ſpiritual lords ſhall proceed to the next ſpiritual lord, without regard to him: that is to ſay, if ſuch ſpiritual lord ſhall be an archbiſhop, the rotation ſhall proceed to the archbiſhop, whoſe ſee is next in rotation, and if a ſuffragan biſhop, then to the ſuffragan biſhop whoſe ſee is next in rotation.

For regulating the peerage of Ireland, and the firſt and ſubſequent elections of twenty-eight temporal peers, to the united parliament; and alſo the rotation of the ſpiritual peers, the following enactments were made.

All queſtions touching the rotation or election of lords ſpiritual or temporal ſhall be decided by the houſe of lords.

On an equality of votes in the election of any lords temporal, the names of thoſe peers for whom there ſhall be an equality, ſhall be written on pieces of paper of a ſimilar form, and put into a glaſs, by the clerk of the parliaments at the table of the houſe of lords, whilſt the houſe is ſitting; and the peer or peers, whoſe name or names ſhall be firſt drawn out by the clerk of the parliaments, ſhall be deemed duly elected.

Any perſon holding a peerage of Ireland, ſhall not be diſqualified from ſerving for any place in Great Britain, in the houſe of commons of the united kingdom, unleſs he ſhall have been previouſly elected to ſit in the houſe of lords of the united kingdom; but ſo long as ſuch peer of Ireland ſhall continue to be a member of the houſe of commons, he ſhall not be entitled to the privilege of peerage, nor capable of being elected to ſerve as a peer on the part of Ireland, or of voting at any ſuch election; and ſhall be liable to be ſued, indicted, proceeded againſt, and tried as a commoner, for any offence with which he may be charged.

The king may create peers of Ireland, and make promotions in the peerage, provided that no new creation ſhall take place, until three of the peerages of Ireland, exiſting at the time of the

the union, ſhall have become extinct; and then to create one peer of Ireland; and in like manner, for every three peerages of Ireland which become extinct, to create one peer. And if the peers of Ireland, by extinction, or otherwiſe, be reduced to one hundred, excluſive of thoſe who hold any peerage of Great Britain, or of the united kingdom, by which they are entitled to an hereditary ſeat in the houſe of lords, then his majeſty may create one peer of Ireland as often as any one of ſuch one hundred peerages ſhall fail by extinction; or as often as any peer of Ireland ſhall become entitled, by deſcent or creation, to an hereditary ſeat in the houſe of lords; ſo that at all times his majeſty may keep up the peerage of Ireland to the number of one hundred, over and above thoſe entitled to an hereditary ſeat in the houſe of lords. Under this article a peerage in abeyance is to be taken as exiſting, and no peerage to be deemed extinct, unleſs on default of claimants to the inheritance for one year from the death of the laſt poſſeſſor. But no perſon is excluded from afterwards putting in a claim: and if it be allowed by judgment of the houſe of lords, reported to his majeſty, ſuch peerage ſhall be conſidered as revived; and in caſe any new creation of a peerage of Ireland ſhall have taken place in the interval, in conſequence of the ſuppoſed extinction, then no new right of creation ſhall accrue to his majeſty, in conſequence of the next extinction of a peerage of Ireland.

The firſt election of temporal lords was made in purſuance of a clauſe, directing, that at twelve o'clock on the day following that on which the act for eſtabliſhing the union received the royal aſſent, the temporal peers ſhould aſſemble in the houſe of lords in Ireland, and elect twenty eight-lords temporal, in the following manner: the names of the peers to be called over, according to their rank by the clerk of the crown, or his deputy, to whom each of the ſaid peers, who, previous to that day, had actually taken his ſeat when called, was to deliver, either by himſelf or his proxy, duly appointed, a liſt of twenty-eight temporal peers; and the clerk was then and there publickly to read and caſt up the liſts, and declare the names of the twenty eight lords choſen by the majority of votes, and make a return of their names to the houſe of lords of the firſt parliament of the united kingdom; and thoſe twenty-eight were, during their reſpective lives, to repreſent the peers of Ireland, in the houſe of lords of the united kingdom, and be entitled to receive writs of ſummons to that and every ſucceeding parliament.

And whenever the ſeat of any of the twenty-eight lords temporal ſo elected ſhall be vacated by deceaſe or forfeiture, the

chancellor, the keeper or commiſſioners of the great ſeal of the united kingdom, upon receiving a certificate under the hand and ſeal of any two lords temporal of the parliament of the united kingdom, certifying the deceaſe of ſuch peer, or on view of the record of his attainder, ſhall direct a writ to be iſſued under the great ſeal of the united kingdom, to the chancellor, the keeper or commiſſioners of the great ſeal of Ireland, for the time being, directing him or them to cauſe writs to be iſſued, by the clerk of the crown in Ireland, to every temporal peer of Ireland; and notice ſhall forthwith be publiſhed by the ſaid clerk of the crown, in the London and Dublin gazettes, of the iſſuing of ſuch writs, and of the names and titles of all the peers to whom the ſame are directed; and to the ſaid writs there ſhall be annexed a form of return thereof, in which a blank ſhall be left for the name of the peer to be elected, and the ſaid writs ſhall enjoin each peer, within fifty-two days from the teſte of the writ, to return the ſame into the crown office of Ireland with the blank filled up, by inſerting the name of the peer for whom he ſhall vote; and the ſaid writs and returns ſhall be bipartite, ſo as that the name of the peers to be choſen ſhall be written twice, that is, once on each part of ſuch writ and return; and ſo as that each part may alſo be ſubſcribed by the peer to whom the ſame ſhall be directed, and likewiſe to be ſealed with his ſeal of arms; and one part of the ſaid writs and returns ſo filled up, ſubſcribed and ſealed, ſhall remain of record in the crown office of Ireland, and the other part ſhall be certified by the clerk of the crown to the clerk of the parliament; and no peer of Ireland, except ſuch as ſhall have been elected as repreſentative peers on the part of Ireland; and ſhall there have taken the oaths, and ſigned the declaration preſcribed by law, ſhall, under pain of ſuffering ſuch puniſhment as the houſe of lords may award and adjudge, make a return to ſuch writ, unleſs he ſhall, after the iſſuing, and before the return, have taken the oaths and ſigned the declaration, by law required to be taken and ſigned by the lords of the united kingdom, before they can ſit and vote in parliament; which oath and declaration ſhall be either taken and ſubſcribed in the court of chancery of Ireland, or before a juſtice of peace in Ireland; a certificate whereof, ſigned by ſuch juſtice, or by the regiſter of the court of chancery, ſhall be tranſmitted by ſuch peer with the return, and annexed to that part remaining in the crown office of Ireland; and the clerk of the crown ſhall forthwith, after the return day of the writs, cauſe to be publiſhed in the London and Dublin gazettes, a notice of the name of the perſon choſen by the majority of votes,

votes, who ſhall, during his life, ſit and vote on the part of Ireland in the houſe of lords of the united kingdom.

The judges neither of Scotland nor of Ireland are called to parliament; and, however deſirable their preſence may be for the elucidation of local queſtions; yet, if writs of aſſiſtance were iſſued to them, much inconvenience and delay of buſineſs muſt ariſe in the courts where their preſence is required; and the power of commanding their abſence from the proper ſphere of their activity, might, in the hands of a wicked miniſter, become an engine of grievous oppreſſion to the judges as well as to the ſuitors in the various courts.

Privileges. The privileges of peers, excluſive of their capacity as members of parliament, and as hereditary counſellors of the crown, are, that, in all caſes of treaſon and felony, and miſpriſon of the ſame, a nobleman ſhall be tried by his peers; but in miſdemeanors, as libels, riots, perjury, and conſpiracies, he is tried like a commoner, by a jury. This privilege, it is ſaid, does not extend to biſhops. As to peereſſes, there was no precedent for their trial, when accuſed of treaſon or felony, till Eleanor, ducheſs of Glouceſter, wife to the lord protector, was accuſed of treaſon, and found guilty of witchcraft, in an eccleſiaſtical ſynod, through the intrigues of cardinal Beaufort. This extraordinary trial gave occaſion to a ſpecial ſtatute, 20 Hen. VI. c. 9. which declares the law to be, that peereſſes, either in their own right or by marriage, ſhall be tried before the ſame judicature as other peers of the realm. If a woman, noble in her own right, marries a commoner, ſhe ſtill remains noble, and ſhall be tried by her peers; but if ſhe be only noble by marriage, then by a ſecond marriage with a commoner, ſhe loſes her dignity; for as by marriage it is gained, by marriage it is alſo loſt. Yet, if a ducheſs dowager marries a baron, ſhe continues a ducheſs ſtill; for all the nobility are *pares*, and therefore it is no degradation. A peer or peereſs (either in her own right or by marriage) cannot be arreſted in civil caſes, but their goods may be taken in execution. They have alſo many peculiar privileges annexed to their peerage in the courſe of judicial proceedings. A peer, ſitting in judgment, gives not his verdict upon oath, like an ordinary juryman, but upon his honour: he anſwers alſo to bills in chancery upon his honour, and not upon his oath; but when he is examined as a witneſs, either in civil or criminal caſes, in the courts below, or in the high court of parliament, he muſt be ſworn; for the reſpect which the law ſhews to the honour of a peer, does not extend ſo far as to overturn a ſettled maxim, that *in judicio non creditur niſi juratis*. The honour of peers is however ſo highly tendered by the law, that it

is much more penal to ſpread falſe reports of them, and certain great officers of the realm, than of other men: ſcandal againſt them being called by the name of *ſcandalum magnatum*, and ſubjected to peculiar puniſhments by divers ancient ſtatutes. A peer may ſit covered in a court of juſtice; but no peer can be covered in the royal preſence, without permiſſion, except the lord baron of Kinſale, in Ireland. A peer cannot loſe his nobility but by death or attainder, though there was an inſtance in the reign of Edward IV. of the degradation of George Nevile, duke of Bedford, by act of parliament, on account of his poverty, which rendered him unable to ſupport his dignity. But this is a ſingular inſtance; which ſerves to ſhew the power of parliament; and by having happened but once, to ſhew how tender the parliament has been in exerting ſo high a power. It has been ſaid, indeed, that if a baron waſtes his eſtate, ſo that he is not able to ſupport the degree, the king may degrade him; but it is expreſsly held by later authorities that a peer cannot be degraded but by act of parliament. One very ancient privilege is that declared by the charter of the foreſt, confirmed in parliament, 9 Hen. III. that every lord ſpiritual or temporal, ſummoned to parliament, and paſſing through the king's foreſts, may, both in going and returning, kill one or two of the king's deer without warrant; in view of the foreſter if he be preſent, or, on blowing a horn, if he be abſent; that he may not ſeem to take the king's veniſon by ſtealth.

Manner of Sitting in the House. The king is placed at the upper end of the room in a chair of ſtate, having a cloth of ſtate over his head, under which, on either hand, are none but the king's children. On his right hand is a ſeat for the prince of Wales; on his left for his other ſons; but they have not votes in the houſe unleſs created peers. When the royal aſſent was given to the act for ſettling the queen's dowry, her majeſty was in the houſe, ſeated on his left hand, and ſignified her acquieſcence and ſatisfaction by an obeiſance to the king.

On the king's right hand, in chairs, are placed the archbiſhops, and then, on a bench below them, the biſhops of London, Durham, and Wincheſter; all the reſt of the biſhops ſitting according to the priority of their conſecration.

On the king's left hand, on benches, are placed ſuch of the officers of ſtate as have precedence of dukes, and on the ſame ſide the dukes, marquiſſes, and earls, according to their creations.

On the firſt bench acroſs the houſe below the woolſack, ſit the viſcounts, and on the next and other benches, the barons.

By

By ſtatute 3 Hen. VIII. the great chamberlain, conſtable, marſhal, lord admiral, great maſter or lord ſteward, and king's chamberlain, ſit above all others of the ſame degree of nobility with themſelves, and the chief ſecretary, being a baron or biſhop, ſhall ſit above all barons or biſhops, who have none of the before-mentioned offices:

The lord chancellor, or keeper, if the king be preſent, ſtands behind the cloth of ſtate; otherwiſe he ſits on the firſt woolſack athwart the chair of ſtate, his great ſeal and mace by him: he is ſpeaker of the houſe, but can leave the woolſack and ſpeak in the courſe of a debate, which the ſpeaker of the houſe of commons cannot. On the other woolſacks ſit the judges, the king's counſel, and the maſters of chancery, to give their advice when required.

The clerk of the crown, and clerk of the parliament, ſit on a form behind a table. Without the bar, ſits the gentleman uſher of the black rod, under whom is a yeoman uſher, a crier without, and a ſerjeant at mace always attending the lord chancellor. The ſame place below the bar contains the counſel and witneſſes when they are heard at the bar, and ſuch of the public as wiſh to be preſent at the debates.

When the king is preſent with the crown on his head, none of the lords are covered. The judges ſtand till the king gives them leave to ſit. They then may ſit, but may not be covered, till the chancellor or keeper ſignifies to them the leave of the lords. The king's counſel, and maſters of chancery, ſit alſo, but may not be covered at all.

Prayers. Every day, before the ſitting of the houſe, prayers are ſaid by the junior biſhop; but a committee of priviileges, or any other committee, may ſit before prayers.

Proceedings. Although the houſe of lords is compoſed of lords ſpiritual and temporal, who muſt all be ſummoned, yet it is not neceſſary that the lords ſpiritual or temporal ſhould always aſſent to every act; for if all the lords ſpiritual are abſent, an act by aſſent of the king, the other lords, and commons, will be good. So, if all the lords temporal are abſent. So, if all the lords ſpiritual are preſent and diſſent, or if they ſhould out-number the lords temporal and theſe all diſſent. In former times a doubt was raiſed, whether an act ſanctioned by the lords temporal, in repugnance to the vote of all the lords ſpiritual, ought to be ſtyled the act of the lords ſpiritual and temporal in parliament aſſembled, but it was decided, that it certainly was the act of all. Nor could there be any doubt that Scotland or Ireland would be bound by the acts of the parliament of the united kingdom, though their members might all vote againſt them, even if it were not expreſsly ſo provided by the acts of union.

JUDICIAL AUTHORITY. The judicature, exercised by this supreme tribunal, is traced to the period of the conquest, and was retained by the barons as an inherent right, after the foundation of other courts of justice. They were the court of last resort in all cases of error; they explained doubtful points of law, and interpreted their own acts; for which purpose the justices used commonly to refer to the great council, matters of difficulty depending before them in the courts below. They heard causes commenced originally there, made awards, and tried criminal accusations brought against their own members. The great extent of the jurisdiction of parliament in judicial matters, seems owing to the idea of superintendance and supremacy attributed to that assembly by the people. It was thought, that the parliament was to redress all wrongs, remedy all abuses, and remove all difficulties, affecting either person or property. In consequence of this notion, at every meeting of parliament petitions poured in from all quarters, not only on subjects of public and national concern, but for relief in private affairs. They were exhibited by all sorts of persons, on all sorts of matters, and to obtain every species of relief which the petitioners thought most desirable in their situation. When petitions were so numerous, and the objects of them so multifarious, it could not but happen that many were frivolous, and many evidently belonged to another jurisdiction. To distinguish these from others, and to transfer those which belonged to other courts to the proper jurisdiction, certain persons, either masters in chancery, or, in subsequent times, judges, were appointed in every parliament to be *receivers* and certain prelates, earls, barons, and others, to be *tryors of petitions*. These were to examine, and, on full consideration, indorse on them what course was to be pursued by the petitioner; referring him, according to the nature of the case, either to the full parliament, the council, the chancery, or some of the other courts. For this reason *the receivers and tryors of petitions* are ranked in Fleta among the king's courts; though, as it is there observed, their business was not to determine, but only to hear, examine, and report. All these petitions were generally addressed either to our lord the king and his council, or sometimes to the king singly. Petitions, though infinite as to their particular objects, may be divided into such as were the original commencement of a suit, and such as complained of error or delay in suits depending in the courts below. To these courts many were referred by the *tryors*, others were heard and decided in the house. Sometimes complaints of delay arose from the intricacy of causes, and the inability of the judges to decide on them, and the parties prayed the king that the chancellor, or the clerk of the

the privy ſeal, might ſend a writ to the juſtices to cauſe the record in the ſaid plea to come into full parliament, that the matter in doubt might be debated, and finally determined; the anſwer was, that the record and proceſs ſhould be brought before the council, and, upon view thereof, due diſcuſſion ſhould be had.

It was not only by petitions of the parties that ſuits depending in the courts below were brought into parliament, but alſo on the motion of the judges themſelves, who, in caſes of doubt and difficulty, would rather take the advice of parliament than hazard their own judgment. Thus, in the 40th year of Edward III. Thorpe, and Sir Hugh Green, went together to the parliament, and aſked the opinion of thoſe who had been the makers of the late ſtatute of Jeofails, concerning the alteration of a record. It was in the ſpirit, and in purſuance of the practice then in uſe, that the famous ſtatute of treaſon, 25 Edw. III. ordains, that when any new caſe of ſuppoſed treaſon ſhould ariſe, not preciſely within the terms of that act, the judges ſhould not proceed on their own conceptions, but take the opinion of the next parliament.

As this court was the laſt reſort to correct the errors of the inferior judicatures, ſo, at this day, there lies a writ of error of a judgment given in the king's bench, before this court, which begins by petition to the king; whereto when the king has anſwered *fiat juſtitia*, a writ is directed to the chief juſtice of the king's bench, for removing the record into parliament; and the roll itſelf, and a tranſcript in parchment, is brought by the chief juſtice into the houſe of lords: and, after examination of the tranſcript, the record is returned into the king's bench. The plaintiff is then to aſſign errors, and to have *ſcire facias* againſt the adverſe party, returnable either in that parliament or the next, and the proceedings are upon the tenor of the record, and not upon the record.

Towards the latter end of the reign of Charles I. the houſe of lords aſſerted their juriſdiction of hearing appeals from chancery, which they do upon a paper petition, without any writ directed from the king; and for this their foundation is, that they are the great court of the king, and, therefore, as the chancery is derived out of it, a petition will bring the cauſe and the record before them. This was much controverted by the commons in the reign of Charles II. but is now acquieſced in, becauſe it has been thought too much, that the chancellor ſhould bind the whole property of the kingdom without appeal.

What has hitherto been ſaid of petitions in parliament relates chiefly to civil affairs. It was not leſs common to petition parliament in criminal matters; upon which the parties would be

be directed to ſue a writ of oyer and terminer; or take ſuch other ſteps, according to their caſe, as the common law preſcribed. But criminal proſecutions were inſtituted in parliament in another way than by petition. The lords conſtituted a great inqueſt, to preſent and try each other. In the 4th year of Edward III. we find articles were exhibited, charging Roger Mortimer with certain treaſons, felonies, and miſdemeanors. At the end of the record it is ſaid, that the king charged the earls, barons, and peers of the realm with the ſame, upon which the ſaid earls, barons, and peers, having examined all the articles, returned back to the king in the ſame parliament, and all pronounced by the mouth of one of them, that the matter contained in thoſe articles was notorious to them and all the people: wherefore they, the ſaid earls, barons, and peers, as judges of parliament, by aſſent of the king, in the ſame parliament, awarded and adjudged, that the ſaid Roger ſhould be drawn and hanged as a traitor; and order was accordingly given to the earl marſhal to execute the ſentence. It appears very clearly from this caſe who were the judges in ſuch parliamentary trials; namely, that the lords were to ſit in judgment on each other, as peers. But the enormity of the offence which was to be puniſhed, the murder of the late king, excited a reſentment in the parliament, and carried them further than the uſual bounds of their juriſdiction; for they paſſed ſentence of death upon ſeveral commoners. To prevent, however, this being drawn into precedent, the following memorandum was entered on the roll: "That it was aſſented and agreed by the "king, *et toutz les grantz*, in full parliament, that though the "peers had taken upon them to give judgment, with the king's "aſſent, upon certain perſons who were not peers, yet no "peers, in future, ſhould be held or charged to give judg-"ment on any other than their peers."

All theſe proſecutions in parliament were brought forward by articles exhibited; but who were the perſons appointed to exhibit ſuch articles, and to ſtand forth as proſecutors, does not appear. Toward the latter end of this reign the commons took this burthen on themſelves; and among their other petitions, began to exhibit accuſations for crimes and miſdemeanors againſt offenders who were thought to be out of the reach of the ordinary courſe of the law. In theſe proſecutions the king and lords were conſidered as judges; and thus was the formidable mode of proſecution by impeachment of the commons firſt ſet on foot.

From theſe ſources, with the alterations and improvements in the ſtate of the judicature of this country, which, in the lapſe of time have taken place, may be deduced that juriſdiction, which the houſe of lords exerciſes in civil cauſes, upon appeals

appeals or writs of error from the inferior courts; and in criminal queſtions, when brought before them, by preſentment of the houſe of commons, in the form of an impeachment. When this impeachment, either for treaſon, or for high crimes and miſdemeanors, is directed againſt a peer, there has never been a doubt, but that the lords have the ſole and excluſive juriſdiction to hear and determine. So, if a peer is indicted for treaſon or felony, he cannot be tried in the courts below, but the indictments muſt be moved by certiorari; and the lords muſt pronounce Guilty, or Not Guilty. But where a perſon, not a peer of the realm, has been impeached by the commons before the lords for treaſon, or any capital offence, there a doubt has been ſometimes entertained, whether, by the law of parliament, the lords have competent juriſdiction; and in one inſtance (that of Fitzharris * in 1681) the lords actually refuſed to proceed on a trial of this nature, though, in ſeveral other caſes, as well before as ſince, they have admitted their competency, and acted accordingly. The commons, however, have at all times aſſerted it to be their legal right to impeach any perſon, whether peer or commoner, for any crime againſt the ſtate, whether capital or not; and in the only inſtance that has occurred, in which the lords diſputed this right, the com-

* The caſe of Fitzharris, from the times and circumſtances in which it took place, (see Hume's hiſtory, Vol. VIII. page 151. 8vo.) can hardly in itſelf avail, as a precedent, to prove any thing. The chief reaſon aſſigned by the lords for not proceeding are, however, manifeſtly wrong. On their firſt, that Fitzharris could be tried elſewhere, it was judiciouſly ſaid in the lords' proteſt, "We cannot reject "the impeachment of the commons, becauſe that ſuit or complaint can be deter-"mined no where elſe: for if the party impeached ſhould be indicted in the King's "Bench, or in any other court, for the ſame offence, yet it is not the ſame ſuit; "for an impeachment is at the ſuit of the people, and they have an intereſt in it; "but an indictment is the ſuit of the king. For one and the ſame offence may en-"title ſeveral perſons to ſeveral ſuits: as, if a murder be committed, the king may "indict at his ſuit, or the heir, or the wife of the party murdered may bring in an "appeal; and the king cannot releaſe that appeal, nor his indictment prevent the "proceedings in the appeal, becauſe the appeal is the ſuit of the party, and he hath "an intereſt in it." On the other the following remarks are made by Biſhop Burnet, "and Sir William Jones. "The pretence, of the lords having no right to try a "commoner upon an impeachment for high treaſon, was furniſhed by Lord Not-"tingham; and was grounded on the caſe of Simon de Beresford, in the 4th of Ed-"ward III. If this doctrine were true, and good law, it would be a method offered "to the court to be troubled no more with impeachments, by employing only com-"moners." So Sir William Jones ſays, "If this was ſo, it would be in the power "of the king, by making only commoners miniſters of ſtate, to ſubvert the govern-"ment by their contrivances when they pleaſed. Their greatneſs would keep them "out of the reach of ordinary courts of juſtice; or their treaſons might not, perhaps, "be within the ſtatute, but ſuch as fall under the cognizance of no other court than "the parliament; and, if the people might not of right demand juſtice there, they "might, without fear of puniſhment, act the moſt deſtructive villanies againſt the "kingdom; it would alſo follow, that the ſame fact, which in a peer is treaſon, "and puniſhable with death, in a commoner is no crime, and ſubject to no puniſh-"ment." See further on this point, where impeachments by the houſe of commons are treated of,

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mons resolved, "That it is the undoubted right of the com-
"mons, in parliament assembled, to impeach before the lords,
"any peer or commoner for treason, or any other crime or
"misdemeanor: and that the refusal of the lords to proceed in
"parliament upon such impeachment is a denial of justice,
"and a violation of the constitution of parliaments."

The course of proceeding in impeachments will be more particularly described, in treating of the separate functions of the house of commons; but it may be proper in this place to say a few words on a process, by which impeachments were long suspended, *the bill of attainder*, and on bills of *pains and penalties*.

It seems remarkable, that no instances of impeachment occur, during the reigns of Edward IV. Henry VII. Henry VIII. Edward VI. Queen Mary, and Queen Elizabeth, nor till the 17th year of James I. Nor can this be accounted for in any other manner, than that, during this period, bills of attainder, and prosecutions in the court of Star Chamber, were substituted in their stead. The new modelling of the Star Chamber by Henry VII. in the 3d year of his reign, and the supplementary statute of the 21st Henry VIII. chap. 20, transferred to this court the trial of all those misdemeanors, which would otherwise have become the object of parliamentary prosecution by impeachment; and, as is well observed by a learned writer, "This court became the happiest instrument of arbitrary power
"that ever fell under the management of an absolute sovereign.
"The Star-Chamber exercised a criminal jurisdiction, almost
"without limitation, and altogether without appeal: taking upon
"it to judge and animadvert upon every thing, in which go-
"vernment felt itself interested. It became, in truth, as much
"a court of state, if the expression may be allowed, as a court
"of law." By this extension of its jurisdiction, and the severity of its penalties, it, for a time, superseded the exercise of the more legal proceeding, by impeachment for high crimes and misdemeanors. The more atrocious offences of treason, and treasonable practices against the state, were, during this period, prosecuted and punished by bills of attainder; which, though very rare, till the reign of Edward IV. became, during that reign, and those of his successors, except Queen Elizabeth, the common mode of proceeding against persons accused of such crimes.

The bill of attainder did not originate with, but was most frequently resorted to by the Tudors, particularly by Henry VII. instead of the ancient, and (where justice can be obtained by regular trial, in a court of criminal jurisdiction) the more eligible proceeding, by indictment or impeachment. The

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acts, during this period, appear principally to have had for their object, perſons concerned in raiſing traitorous and tumultuous inſurrections, and became, during the civil wars between the houſes of York and Lancaſter, alternately the engine of the prevailing party, to wreak their vengeance againſt their enemies. The caſes of Empſon and Dudley, and of Cromwell, earl of Eſſex, are inſtances, in which the parties accuſed would have been the proper objects of parliamentary impeachment for high crimes and miſdemeanors, in their conduct as miniſters, or officers employed by the crown: but the impatient and over-bearing ſpirit of the ſovereign, and that arbitrary power, which Henry VIII. from a variety of concurring circumſtances, was enabled to exerciſe againſt every part of the conſtitution, rendered the ſummary proceeding by bill of attainder the more proper for his purpoſes. Nothing could exceed the iniquity of the proceedings on theſe bills. Crime was imputed in the moſt looſe, general, and inconcluſive manner, evidence was diſregarded, and judgment pronounced without regard to truth, law, or decency. If we are to judge of the general adminiſtration of criminal law in this reign, from the trials that have come down to us of eminent perſons, it appears that the lives of the people were entirely in the hands of the crown. A trial ſeems to have been nothing more than a formal method of ſignifying the will of the prince, and of diſplaying his power to gratify it. The late new invented treaſons, as they were large in their conception, and of an inſidious import, by giving a ſcope to the uncandid mode of enquiry there practiſed, enlarged the powers of oppreſſion beyond all bounds.

Bills of pains and penalties are, in their effect, ſimilar to thoſe of attainder, except in this, that they do not impute the crime of high treaſon to the object of them, nor is the puniſhment awarded by them capital.

Although theſe bills are obnoxious to many reflections, and the frequent uſe of them, or the bill of attainder in particular, is among the ſtigmas in the moſt deſpotic of our monarchs, yet they have been, through neceſſity, reſorted to, in the beſt times of the conſtitution, and muſt ever be, in the hands of the legiſlature, a portion of that arbitrary power, which, in every ſtate, muſt reſide ſomewhere, and furniſh the means of averting the calamities which would flow upon the whole community, from the frequent impunity of thoſe, whoſe crimes called aloud for vengeance. Caſes have ariſen, (and, in a period ſince the true principles of liberty have been perfectly underſtood and carried into effect,) and may again ariſe, where the public ſafety, which is the firſt object of all governments, requires this extraordinary interference; and, in ſuch inſtances, where

where can the exercise of an extraordinary power be vested, with more security, than in the three branches of the legislature? It should, however, always be remembered, that this deviation from the more ordinary forms of proceeding, by indictment or impeachment, ought never to be adopted, but in cases of absolute necessity; and, in those instances only, where, from the magnitude of the crime, or the imminent danger to the state, it would be a greater public mischief to suffer the offence to pass unpunished, than even to over-step the common boundaries of law; and, for the sake of substantial justice and the security of posterity, by an exemplary, though extraordinary proceeding, to mark with infamy and disgrace, perhaps to punish with death, even the highest and most powerful offenders.

Other Privileges. In the judicial capacity of the house of peers consists its principal distinction. The remaining privileges which peers enjoy, distinctly from the house of commons, are but few.

Votes. The lords vote from the *puisne* lord *seriatim*, by the word *content*, or *non content*.

Proxies. Every peer, by licence obtained from the king, may make a proxy to vote for him in his absence; a privilege, which a member of the other house can by no means have, as he is himself but a proxy for a multitude of other people. It is still entered in Latin, *ex licentiâ regis*; and this created a doubt in November, 1788, whether the proxies in that parliament were legal, on account of the king's illness? But this is considered so much a matter of form, that the licence may be presumed. Proxies cannot be used in a committee; nor can a proxy sign a protest; he must be a lord of parliament; yet anciently, the bishop made a proctor of the clergy his proxy, and others not barons. The usual course is, for a temporal lord to make a temporal lord his proxy; and for a lord spiritual to make a spiritual lord. A lord may name two or three for his proxies, *conjunctim et divisim*; and in such case all present ought to assent or dissent: for if one be content, and the two others not content, it is no vote. But no lord is allowed to hold more than two proxies; a regulation which was made, 26 Charles I. because the duke of Buckingham had no less than fourteen. The proxy is appointed by the lord upon leave for his absence; but he may be summoned with a clause, that he do not make a proxy. If a lord appears in parliament, though he neither speaks nor votes, his proxy is revoked.

Protests. Each peer has also a right, by leave of the house, when a vote passes contrary to his sentiments, to enter his dissent, with the reasons, on the journals of the house, which is usually

uſually ſtiled his proteſt. Lord Clarendon relates, that the firſt inſtances of proteſts with reaſons, in England, were in 1641, before which time the peers uſually only ſet down their names as diſſentient to a vote.

ORIGINATING BILLS. All bills which may, in their conſequences, any way affect the right of the peerage, are, by the cuſtom of parliament, to have their riſe and beginning in the houſe of peers, and to ſuffer no changes or amendments in the houſe of commons.

MESSAGES. The ancient and accuſtomed form of ſending a meſſage from the houſe of commons to the lords is, by one member; who is, upon motion made, and queſtion put, named by the ſpeaker, and who is the bearer of the meſſage; but he muſt be accompanied by others; as the rule and practice of the houſe of lords is, to receive no meſſage from the commons, unleſs eight members attend with it. For this purpoſe, when the meſſenger takes his meſſage from the table, the ſpeaker always calls aloud to the houſe, "Gentlemen, attend your meſſenger." In bills that have paſſed the houſe of commons with a general concurrence, and in other meſſages in which the houſe of commons wiſh to have an opportunity of ſhewing approbation, it is cuſtomary for a great number of members to follow their meſſenger, and attend him to the bar of the houſe of lords.

When the lords ſend any meſſage to the commons, it is always by two meſſengers; theſe, in matters of great moment, are two of the judges; at other times, the meſſengers have been the maſter of the rolls, or maſters in chancery; and ſometimes one maſter in chancery, and the clerk of the parliaments. If the meſſage requires an anſwer, the meſſengers ought to wait in the lobby to carry it back; which anſwer, if the commons immediately agree with the lords, is delivered to them: but if the commons differ, or the ſubject matter of the meſſage requires further conſideration, they are called in again, and told, that the houſe will ſend an anſwer by meſſengers of their own. Though it is not cuſtomary for either houſe to inform the other by what numbers a bill has paſſed, yet it appears, that they have ſometimes recommended bills, as of great importance, to the conſideration of the houſe to which they were ſent. It has alſo happened, that when a bill has been ſent to the lords, and it has been neglected there, the commons have ſent a meſſage to remind them of it. When the ſpeaker, on the information of the ſerjeant, has reported to the houſe, that there is a meſſage from the lords, there muſt be a queſtion for calling in the meſſengers; which, in one inſtance, was negatived; but, in general, the admiſſion is ſo much a matter of courſe, that

they have been received in the middle of a debate, their meſſage reported, and an anſwer ſent to the lords, without a formal adjournment of the debate. And on the 29th of February, 1788, a committee of the whole houſe broke up, for the purpoſe of enabling the ſpeaker to take the chair to receive a meſſage from the lords; and the houſe immediately again reſolved itſelf into a committee.

JOINT COMMITTEES. In theſe the number of members of the houſe of commons is double that of the lords; but the peers appoint the time and place of meeting. The advantages to be derived from a joint-committee are; firſt, where the object of their appointment is to examine witneſſes, and receive information, upon which both houſes are afterwards to ground their proceedings, the evidence will be preciſely the ſame; not varied by different queſtions propoſed with different views, which might produce different anſwers, and lead to the adoption of different meaſures. The foundation of the reports made to each houſe will be the ſame; and in the further proceedings, both houſes will be ſure, that the facts and evidence from which they draw their concluſions, as well as the colour and manner of delivering that evidence, will be the ſame. Second, The examination being to be taken before a committee of the lords, witneſſes may be previouſly ſworn at their bar, and their evidence receive the ſanction and authority of an oath. But when a joint committee was propoſed in 1788, to examine the phyſicians reſpecting the ſtate of his Majeſty's health, the members of adminiſtration who were in the upper houſe objected to it, conſidering, that, as the houſe of commons muſt have a double number of members, the lords might be out-voted in diſcuſſions on the propriety of putting certain queſtions of a delicate nature. The mode adopted in 1794, of each houſe appointing a ſeparate committee, and giving powers to theſe committees to communicate with each other, from time to time, obviated this objection, and yet preſerved all the advantages that might have ariſen from a joint committee.

PEERS GIVING EVIDENCE. For the moſt inſtances, when peers have come into the houſe of commons, it has been at their own requeſt; but when the commons are deſirous that a member of the other houſe ſhould be examined, they ſend a meſſage requeſting it, and the lords give permiſſion if ſuch members think fit; and in this the practice of both houſes is the ſame. The appointment of committees to attend certain lords, and to receive and report to the houſe of commons ſuch information as they could give upon particular ſubjects then under inquiry, ſeems to be a mode of proceeding adopted and ſubſtituted in lieu of deſiring their perſonal attendance to

be

be examined; but this proceeding muſt have been very defective. In a perſonal examination many queſtions occur, which ariſe out of the evidence, and could not be thought of on firſt ſending the meſſage.

CONFERENCES. The conference, if on the ſubject of a bill depending, muſt be demanded by that houſe which, at the time, is in poſſeſſion of the bill; and it is irregular for one houſe to demand of the other their reaſons for bringing in, or amending, or refuſing to agree to, certain bills; becauſe, inſtead of compoſing differences, which is the object of the conference, theſe queſtions tend rather to raiſe diſputes, touching the privileges and independency of that houſe. The ſubjects upon which conferences are moſt frequently demanded are, where amendments have been made by one houſe to a bill paſſed by the other, to which amendments the houſe deſiring the conference have diſagreed; and the purpoſe of the conference is to acquaint the houſe which firſt made the amendments with the reaſons for ſuch diſagreement; in order that, after conſidering thoſe reaſons, the houſe may be induced, either not to inſiſt on their amendments, or may in their turn aſſign ſuch arguments for having made them, as may prevail on the other houſe to agree. If the houſe which amend the bill perſevere in inſiſting on their amendments, the form is, to deſire another conference, at which, in their turn, they ſtate their reaſons for making and not departing from them; and if, after ſuch ſecond conference, the other houſe remain unconvinced, they ought to demand a "Free" conference, at which the arguments on both ſides may be more amply and freely diſcuſſed. If this meaſure ſhould prove ineffectual, and if, after ſeveral Free conferences, neither houſe can be induced to depart from the point they originally inſiſted on, the bill muſt be loſt. Whenever a conference is demanded by either houſe, it is the ſole privilege of the lords to name the time and place at which it ſhall be holden. The commons may remonſtrate againſt the place appointed, or refuſe to attend at it, but they cannot name either the time or place of meeting. The number of the commons is, as in joint committees, double that of the lords. The houſe which aſks the conference muſt, in their meſſage, define its object in preciſe and explicit, not doubtful or general, terms.

The form of behaviour obſerved at a conference, and eſtabliſhed in conſequence of many remonſtrances and debates, is thus deſcribed in a narrative of one which took place 19th March 1728. "The commons being at the place of conference, ſtanding, and uncovered, and the lords coming in uncovered, but ſitting down and covering their heads, the lord preſident, Duke of Devonſhire, roſe up, took off his

" hat, and, ſtanding uncovered, acquainted the commons with " the occaſion of the lords having deſired the conference, in " words of his own, as an introduction to the matter of con- " ference; then ſat down, put on his hat, and ſitting covered, " read a reſolution of the lords; after which, he ſtood up, " pulled off his hat, and, ſtanding uncovered, delivered the " reſolution on paper to the manager for the commons, who " was to receive the ſame; after which, the lords riſing, un- " covered their heads to the commons, and, when they had " left the place of conference, the commons departed to their " own houſe." The commons are never covered, nor do they ever ſit at a conference with the lords.

Before the managers go to any but a free conference, it is uſual for the houſe deſiring it, to appoint a committee to draw up reaſons in ſupport of the meaſure adopted. The managers, therefore, having no other authority, than to read and deliver in ſuch reaſons, it is irregular for any member to ſpeak, or ſuggeſt any thing, unleſs by way of introduction to the delivery of the reaſons. It is as irregular for any of the managers on the other ſide to introduce any matter at the conference, either from themſelves, or from the houſe which appointed them. If the reaſons alleged on both ſides fail, a "Free" conference, which admits a more liberal diſcuſſion, and gives opportunity for the managers, individually, and not reſtrained by any preciſe form of argument, to urge ſuch reaſons as will beſt ſupport the cauſe in which they are engaged.

Officers. The principal officers of the houſe of lords are: the *Speaker*, who is generally the lord high chancellor; but when the great ſeal is in commiſſion, ſome nobleman, eminent for wiſdom and experience, is appointed. The duties of ſpeaker in the houſe of lords are analogous to thoſe of the ſame officer in the houſe of commons, where they will be more expreſsly deſcribed.

The *Chairman of the Committees*, who is a peer verſed in the law of the land, and in the forms of the houſe, capable of diſcerning where any clauſes, in private bills eſpecially, are repugnant to eſtabliſhed principles of juriſprudence, and calculated to promote the intereſt of individuals by introducing confuſion and uncertainty in the general adminiſtration of juſtice, and the received conſtruction of the public law, whether ſtatute or common.

The *Clerk of the Parliament*, whoſe ſalary is 3300*l.* and under whom are a *Clerk Aſſiſtant*, a *Reading Clerk*, who is alſo *Clerk to the Private Committees*, *a Clerk of the Journals*, copying and other clerks.

The *Gentleman Uſher of the Black Rod*, who is properly an officer

officer belonging to the order of the garter, and chief gentleman uſher to the king. He is called in the Black Book, *Lator virgæ nigræ*, and *hoſtiarius*, and elſewhere, *virgæ bajulus*. This office was anciently conſtituted by letters patent under the great ſeal. In a chapter, held at Whitehall, 13 Charles II., it was ordained that the office ſhould be fixed to one of the gentleman uſhers, daily waiters at court, the eldeſt of whom always holds the place. His duty is to carry the rod before the king, at Windſor Caſtle, on the feaſt of St. George; he has alſo the keeping of the Chapter-houſe door, when a chapter of the garter is ſitting, and during the ſeſſion of parliament attends the houſe of peers. He has a like habit with the regiſter of the order, and garter king at arms, which he wears at the feaſt of St. George, and all chapters, and on certain occaſions in the houſe of lords. He bears a *black rod*, on the top of which ſits a lion gold; which rod is inſtead of a mace, and which he uſes in attaching delinquents by touching them with it. He wears alſo a gold badge, embelliſhed with the enſigns of the order of the garter; and, in addition to his ſalary and emoluments, has a houſe in Windſor Caſtle, and other privileges.

There are beſide, in the houſe of lords, a *Yeoman Uſher*, *Serjeant at Arms*, *Door Keepers*, *Keeper of the Stole Room*, *Houſe Keeper*, and *Neceſſary Woman*.

HOUSE OF COMMONS.

Attached as the people of Great Britain naturally and juſtly are to this popular democratic or repreſentative part of their government, it is not ſurpriſing that many writers have been found to inſiſt on its high antiquity, and even to aſcribe to the univerſality of the people a degree of deliberative authority, as well in the election of their repreſentatives as in the affairs of ſtate, which can hardly be reconciled to the requiſites of force, authority, and promptitude, eſſential to every government. On the other hand, writers have not been wanting who have laboured to decry every pretence of authority in the people, conſidering the right of election as a boon from the crown, rather extorted in times of difficulty and want, than given in conſequence of any ſenſe of legality, juſtice, or propriety. Each ſide explores ancient documents, details authorities, deduces analogies, and tortures phraſes to produce a deciſion in favour of its particular theſis; but thoſe who peruſe the reaſonings of each, muſt find that no general ſyſtem can be formed, which is not ſubject to ſo many contradictions and exceptions, that the opponent may ſafely inſiſt that his is the

rule, and that which the other relies on as a general baſis, is nothing more than a ſeries of deviations. That there was at all periods a deliberative body aſſiſting the executive power of England, ſeems to be a well-eſtabliſhed fact, applying not only to times ſucceeding the conqueſt, but to the earlieſt of which hiſtory preſerves any details; but whether this body contained repreſentatives delegated from all parts of the realm, cannot be determined. In the days of the Britons traces are left of ſovereigns addreſſing themſelves to aſſemblies of the people; the excellent ſyſtem of mutual dependence and repreſentation eſtabliſhed by Alfred, and the general records of the Saxon government, render it certain that means were retained for conſultation with the wiſer and better ſort of the people on public affairs; and although, during the uſurpation of the Danes, great efforts muſt have been uſed to obliterate every trace of a practice ſo inimical to the pretenſions of tyrants, yet, when William the Conqueror claimed the crown, we find Harold denying the validity of the ſuppoſed grant, becauſe, even if real, it was made, "*without the general aſſembly and decree of the ſenate and people.*" Yet although ſuch aſſemblies were uſual, even from the moſt ancient times, the perſons of whom they were compoſed, the authority or delegation under which they ſat, the extent of their powers, and the limits of their influence and reſponſibility, ſtill remain undetermined and undefinable.

After the conqueſt, the formation of the houſe of commons becomes clear, ſimple, and eaſily aſcertained; although it is not even then poſſible to determine whether any old traditionary notion of right was reſorted to, or whether the grace which ſprings from neceſſity alone influenced the mind of the monarch. Parliament, as already has been ſtated, ſprang from the feudal ſyſtem, and the vaſſals of the crown had ſeats; but there is no authority by which it can be maintained that the people, as matter of right, ſent their repreſentatives to the great aſſembly at any time between the conqueſt and the 49th year of Henry III. (A. D. 1266.) From the critical period of this event, the ſummons being iſſued when the king had overthrown Simon Mountford, earl of Leiceſter, at the battle of Eveſham, contradictory accounts have been given of the motives for convening the commons. Some, without much ſhew of reaſon, have aſſerted it to be an effect of art in the vanquiſhed earl and his adherents, to gain a counterpoiſe againſt the crown and the peerage, and repreſent the great palladium of Britiſh liberty as the contrivance of a rebel to ſerve a factious purpoſe. But the more probable account ſeems to be, that while the mighty barons, conſcious of the ſtrength they derived from the feudal ſyſtem, were anxious to bring it to the higheſt degree of perfection,

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the king, desirous of protecting himself, and obtaining a balance against the overgrown power of these haughty subjects, took measures for increasing the consequence, and adding to the weight, of the more respectable class of the people. Happily for the people, the feudal system had long been in the course of weakening itself. It had long been customary, on the escheat of any barony for want of issue, or by forfeiture, for the crown to parcel it out into smaller districts; and this begot the distinction between the *barones majores* and *barones minores*. These *barones minores* held by knights' service, and, being too numerous to be all called to parliament, were allowed to sit by representation. From this circumstance originated the writ, directing the sheriff *that he cause to come at a day therein named, duos milites gladiis cinctos*; which is the foundation of county representation. The Cinque Ports, and, in all probability, cities and boroughs, began to return members about the same time, the first record of them being in the 22d Edw. I. The early writs did not specify whether the representatives were to be elected; though it is almost impossible but that some form of election must have been used, for the purpose of ascertaining unanswerably, or giving effect to the suffrage of the majority. The continental dominions of the crown called for armies; these were supported at first by the services which grow out of feudal tenure; but, in process of time, personal service was bartered for pecuniary composition, under the name of scutage; which, together with the increasing necessities of the crown, and the proportionate independence of the barons, soon brought the people at large, especially the trading part, into consideration. The policy of the crown raised a counterbalance to the power of the barons, and, by giving the people consequence, at the same time erected for itself a tower of strength, and a treasury for supplies. It was from this policy, probably, that Henry II. gave charters and immunities, which meeting with no disturbance from the first Richard, whose military genius was solely occupied in foreign wars, and being strengthened by the weakness of King John, prepared the way for that importance to which the people were called at the latter end of the reign of Henry III. The extreme indigence of this monarch at this period, obliged him to seek new sources of supply; that burden had always fallen on the land; the towns being secure through their humility; but many of them, being now grown wealthy by industry and commerce, began to contribute their share to the public expence. Talliage, a tax on personal property, similar to scutage on land, was adopted about this time, and was probably an active cause of summoning representatives of towns, who might in person grant the property of their constituents.

ſtituents. The crown indeed would ſometimes take it without attending to this form; but the ſtatute *de talliagio non concedendo*, made in the 25 Edward I. reſtrained this tyranny, and ſecured the continuation of that right, which though ſolemnly eſtabliſhed by Henry III., would probably ſoon have grown into diſuſe. It is not to be ſuppoſed that the plan of repreſentation was at this early period matured into its preſent perfection; but, from the 49th Henry III. the exiſtence of the houſe of commons has been regular; and though that body has been ſubject to occaſional degradations, according to the ſtrength or malignity of certain monarchs, yet it progreſſively advanced its own privileges, and with them the rights and freedom of the people, till it attained its preſent eſtabliſhment.

FORMATION.—The Houſe of Commons is thus compoſed.

		Members.
ENGLAND returns;	For Counties -	80
	Cities - -	50
	Univerſities -	4
	Cinque ports -	16
	Boroughs and towns	339
		—489
WALES returns;	For Counties - -	12
	Towns, &c. -	12
		— 24
SCOTLAND returns;	For Shires or Stewartries	30
	Royal burghs -	15
		— 45
IRELAND returns;	For Counties - -	64
	Cities - - -	9
	Univerſity - -	1
	Boroughs and towns	26
		—100
		Total 658

QUALIFICATIONS REQUISITE TO BE A MEMBER OF THE HOUSE OF COMMONS. Independently of the circumſtances of mature age, and thoſe which are implied in the oaths of allegiance, abjuration, and ſupremacy, a perſon to be elected a member for a county, muſt have a freehold or copyhold, or muſt have been mortgagee in poſſeſſion, at leaſt ſeven years, of a clear eſtate of the value of 600*l. per annum*; and to be elected for a city, borough, or other place, except the univerſities, of the value of 300*l. per annum*. If a perſon who is not ſo qualified

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is elected and returned, the return is void; and by ſtatute 9 Anne, c. 5. any perſon who ſhall appear as a candidate, or ſhall be propoſed to be elected, upon reaſonable requeſt to him to be made at ſuch election, or before the day prefixed in the writ of ſummons for meeting of parliament, by any candidate, or any two or more perſons having right to vote at ſuch election, ſhall ſwear to his qualification, which oath is to be returned into the court of chancery or king's bench, within three months after the election, under a penalty upon the ſheriff of one hundred pounds; one half to the informer, and one half to the poor: and if the candidate ſo required refuſes to take the oath at the time of election, or before the day in the writ mentioned for the meeting of parliament, his election is void. This act, however, excepts the eldeſt ſon and heir apparent of a peer, or a perſon qualified to be a knight of the ſhire. By a ſubſequent ſtatute, 33 Geo. II. c. 10. every perſon, choſen to ſerve as a member of parliament, muſt ſwear to his qualification, before he ſits at a debate in the houſe, or votes, and ſhall give in a roll or ſchedule, containing the particulars of his qualification, of what the ſame conſiſts, and where ſituate, or his election ſhall be declared void, and a new writ ſhall iſſue. By the act of union with Ireland, it is declared, that the qualifications in reſpect of property of the members elected to ſit in the houſe of commons, ſhall be the ſame as are provided by law in the caſes of elections for counties, cities, and boroughs in England, unleſs any other proviſion ſhall hereafter be made in that reſpect by act of parliament.

Disqualifications. The following perſons cannot ſit in the houſe of commons: aliens, even if naturalized, minors, the twelve judges, and the judges of ſeſſion, juſticiary, or exchequer, in Scotland; perſons in holy orders, or having ever been ordained; perſons attainted of treaſon or felony; perſons concerned in the management of any duties or taxes, created ſince 1692, (except the commiſſioners of the treaſury;) commiſſioners of prizes, tranſports, ſick and wounded; wine licences, navy, and victualling; ſecretaries or receivers of prizes; comptrollers of the army accounts; agents for regiments; governors of plantations and their deputies; officers of Minorca or Gibraltar; officers of the exciſe and cuſtoms; clerks or deputies in the ſeveral offices of the treaſury, exchequer, navy, victualling, admiralty, pay of the army or navy, ſecretaries of ſtate, ſalt, ſtamps, appeals, wine licences, hackney coaches, hawkers and pedlars; and all perſons that hold any new office under the crown, created ſince 1705; and perſons, having penſions under the crown, during pleaſure, or for any term of years; ſheriffs of counties, and mayors and bailiffs of boroughs,

are not eligible in their reſpective juriſdictions, as being returning officers; but a ſheriff of one county is eligible to be knight of another. No regiſtrar for regiſtering memorials of deeds, &c. within the weſt or eaſt riding in the county of York, or his deputy, is capable of being elected; nor any contractor with the officers of government, or with any other perſon, for the ſervice of the publick, ſo long as he holds any ſuch contract, or derives benefit from it. If any member accepts an office of profit from the crown, except an officer in the army or navy accepting a new commiſſion, his ſeat is vacated; but ſuch member is capable of being re-elected. Perſons convicted of bribery at any election, or of treating the electors with meat or drink during the election, are incapable of ſitting till that parliament ſhall have been diſſolved; but, unleſs included in theſe ſtanding reſtrictions and diſqualifications, every ſubject of the realm is eligible of common right: though there are inſtances, wherein perſons in particular circumſtances have forfeited that common right, and have been declared ineligible *for that parliament*, by a vote of the houſe of commons, or *for ever*, by an act of the legiſlature.

QUALIFICATIONS REQUIRED IN ELECTORS. In elections of county members, every voter muſt have a freehold of the clear yearly value of forty ſhillings, over and above all rents and charges, payable out of, and in reſpect of the ſame; and have been in the actual poſſeſſion, or receipt of the rents and profits thereof, for his own uſe, twelve calendar months, unleſs it came to him within that time, by deſcent, marriage, marriage ſettlement, deviſe or promotion, to a benefice in a church, or to an office. To theſe facts the freeholder is to ſwear, if required by either candidate; and further, that the eſtate has not been granted to him fraudulently, on purpoſe to qualify him to vote; and to ſome other particulars. Fraudulent grants are ſuch as contain an agreement to reconvey, or to defeat the eſtate granted; which agreements are made void, and the eſtate is abſolutely veſted in the perſon to whom it is ſo granted; and every perſon, preparing or executing ſuch conveyance, or voting under it, forfeits 40 l. And no perſon ſhall vote in reſpect of an annuity or rent-charge, unleſs regiſtered with the clerk of the peace twelve calendar months before.

The qualifications of electors in cities, boroughs, and Cinque Ports vary, according to the peculiar circumſtances of each place, exiſting at the time when it firſt began to return members to parliament; or eſtabliſhed by cuſtom from time immemorial; or by deciſions of the houſe of commons, or its committees, ſitting under the ſtatute called the Grenville Act. In

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ſome cities, freeholders only have the right of voting; in ſome places the right is reſerved to the corporation; in others to the burgage-tenants; in ſome the populacy, in a limited ſenſe, are the electors; in others, the populacy, in a ſenſe almoſt unlimited, nothing more being required than reſidence. Theſe varieties, and the particular nature of ſome of them, have been the occaſion of much diſcuſſion, and given birth to many projects, for what is ſpeciouſly called a *Parliamentary Reform*. In that diſpute it would not be proper, on this occaſion, to intermeddle, further than by the expreſſion of a general opinion, that no project which has yet been laid before the public, promiſes nearly ſo much benefit to the public, or dignity to the ſenate, as an adherence to the eſtabliſhed courſe, which habit has rendered congenial to the people, and which, by its variety in qualification, and means of obtaining the right of ſuffrage, affords opportunity for every claſs in the Britiſh community, diverſified as it is, to find adequate repreſentatives.

A general reſtraint upon voters in cities and boroughs is impoſed by the ſtatute 3 Geo. III. c. 15. which declares, that no freeman of any city or borough (other than ſuch as claim by birth, marriage, or ſervitude) ſhall be entitled to vote therein, unleſs he has been admitted to his freedom twelve calendar months before. No length of poſſeſſion is required from voters in burgage-tenure boroughs; and by the 26 Geo. III. c. 100. it is enacted, that in boroughs, where the houſeholders, or inhabitants of any deſcription, claim to elect, no perſon ſhall have a right to vote as ſuch inhabitant, unleſs he has actually been reſident in the borough ſix months previous to the day on which he tenders his vote.

The voter muſt, if required, ſwear to his name, addition, or profeſſion, and place of abode; and alſo, like freeholders in counties, that they believe they are of the age of twenty-one, and that they have not been polled before at the election; and all voters, if required, (which is now but rarely done,) take the oaths of abjuration and againſt tranſubſtantiation, and the worſhip of ſaints. An oath may likewiſe be demanded, that the voter has not received any gift, reward, or promiſe, to induce him to give his ſuffrage; and this is called the bribery oath.

Disqualifications of Electors. Women, infants, idiots, madmen, and aliens, are abſolutely diſqualified: but perſons made denizens, or naturalized, acquire the right from that time. Perſons convicted of bribery, perjury, or ſubornation of perjury; and thoſe who refuſe to take the oaths, (or, if quakers, to make the affirmations,) required by the ſtatutes, are diſabled from voting. Perſons receiving alms cannot vote: but this does not extend to the militia-man, whoſe family receives

ceives parochial aid, during the term of his actual ſervice. And by the ſtatute 22 Geo. III. c. 41. no commiſſioner, collector, ſupervisor, gauger, or other officer or perſon employed in charging, collecting, levying, or managing the duties of exciſe; nor any commiſſioner, collector, comptroller, ſearcher, or other officer or perſon employed in the charging, collecting, levying, or managing the cuſtoms, or any branch or part thereof; nor any commiſſioner, officer, or other perſon employed in collecting, receiving, or managing any of the ſtamp duties; nor any perſon appointed by the commiſſioners for diſtributing of ſtamps; nor any commiſſioner, officer, or other perſon employed in collecting, levying, or managing, any of the duties on ſalt; nor any ſurveyor, collector, comptroller, inſpector, officer, or other perſon, employed in collecting, managing, or receiving the duties on windows, or houſes; nor any poſt-maſter, poſt-maſters-general, or his or their deputy or deputies, or any perſon employed by or under him or them, in receiving, collecting, or managing the revenue of the poſt-office, or any part thereof; nor any captain, maſter, or mate of any ſhip, packet, or other veſſel, employed by, or under the poſt-maſter, or poſt-maſters-general in conveying the mail to and from foreign parts, ſhall be capable of giving his vote at any election. And if any ſuch perſon ſhall, while he holds ſuch office, or within twelve months after, preſume to vote, his ſuffrage is declared void, and he is ſubject to a penalty of 100l. one half to be paid to the informer, the other to the treaſurer of the county where the offence is committed; and he is diſabled to hold any office. But this act is declared not to extend to commiſſioners of land tax, or any perſon acting under their appointment in collecting or managing the land-tax; or to any other perſon concerned in collecting or managing any other rates or duties granted by authority of parliament; or to any perſon holding an office, uſually granted to be held by letters patent, for any eſtate of inheritance, or freehold. Theſe penalties are incurred, not merely by voting, but by perſuading or influencing any elector to give or withhold his ſuffrage.

MANNER OF PROCEEDING TO AN ELECTION. On a diſſolution of parliament, a warrant or bill iſſues, ſigned by the king, addreſſed to the lord chancellor, or keeper of the great ſeal, directing him, on receipt thereof, to cauſe the uſual number of writs to be made and ſealed, under the great ſeal. Upon this authority the writs are made out and iſſued; and, to prevent delays or cabals, and preſerve uniformity throughout the kingdom, the chancellor is required by ſtatute to iſſue the writs with as much expedition as may be; and there muſt be forty days between the teſte and return. But the iſſuing of the writ

writ by the chancellor is only on the firſt ſummons of the parliament; for when ſitting, the warrant for the writ proceeds from the houſe of commons. Formerly, when the conſtitution was in an unſettled ſtate, the iſſuing of the writ was regulated entirely by the lord chancellor; but ſo early as in the year 1580-1, when, perhaps, prerogative was at the higheſt, the commons reſolved, "That during the ſitting of this court there "do not, at any time, any writ go out, for the chooſing or "returning of any knight, citizen, burgeſs, or baron, without "the warrant of this houſe, firſt directed for the ſame to the "clerk of the crown, according to the ancient and accuſtomed "juriſdiction and authority of this houſe." This apparently confined the power to the actual ſitting, and left the chancellor to iſſue them during the receſs: but in 1672-3 the houſe reſolved the meaning of the former reſolution to be, that from the firſt day of meeting, whether actually ſitting or not, the houſe had the power of ordering the writ to iſſue; and it has ever ſince exerciſed the right. To ſupply vacancies that may happen during a prorogation or adjournment, and that the full number of members may be preſent at the meeting of parliament, and partly to prevent long conteſts, it is provided by ſtatute, that if the houſe be prorogued or adjourned for twenty days, or more, and a member dies, or becomes a peer during the interval; on certificate thereof in writing from two members, the ſpeaker ſhall make out his warrant to the clerk of the crown to iſſue a new writ, having firſt given fourteen days notice of his intention in the London gazette: but ſuch writ need not iſſue, unleſs fourteen days would expire from the time of delivering the certificate, before the next meeting.

The ſubſtance of theſe writs ought to continue in their original eſſence, without any alteration or addition, unleſs it be by act of parliament; for, if original writs at the common law can receive no alteration or addition, but by act of the legiſlature, ſo, *a fortiori*, cannot thoſe for the ſummons of the high-court of parliament, where a writ has iſſued, directed to the ſheriff of one county only, the borough lying in two counties, or where it was delivered to the ſheriff of a wrong county, or one of the returning officers was dead, and there was not time for the election of another, the houſe has ordered the meſſenger of the great ſeal to forbear delivering the writ, or a ſuperſedeas to iſſue: but where the writ was directed to the bailiff and burgeſſes, the bailiff being only the lord's miniſter, and not the returning officer, and the right of voting being in the burgh holders, and not in the burgeſſes at large, yet the miſdirection was held not to vitiate the writ; and though delivered to another, and not to the bailiff and the burgh holders, yet the election

election under the writ ſo miſdirected and delivered was held good; and where a particular place, by its corruption or otherwiſe, has incurred the diſpleaſure of the houſe, the iſſuing of the writ is ſuſpended by order of the houſe, as in the Hindon and Shaftſbury caſes.

As the meſſenger of the great ſeal is reſponſible for the due delivery of the writ, he may entruſt it for carriage to whomſoever he pleaſes; even to a candidate: but it is expreſsly provided, that it ſhall be delivered to the proper officer to whom the execution of the writ belongs, and to no other: and where writ or precept has been delivered to the candidate himſelf, or to two burgeſſes who were not conſtables of the borough, the parties delivering them were committed by the houſe. In the counties palatine, the writ iſſues to the chamberlain, his lieutenant, or deputy, who makes his precept to the ſheriff; and in that of Durham it iſſues to the biſhop or his chancellor. In the Cinque Ports it is directed to the warden, except for the election at Dover, where it is delivered to the conſtable of Dover.

For the election of citizens and burgeſſes, the writ itſelf does not iſſue to the returning officer, but to the ſheriff, who ſends his precept, under his hand and ſeal, to the principal magiſtrate within the city and borough, (wherein by reaſon of the local juriſdiction he cannot interfere,) directing him to comply with the ſubſtance of the writ, which is ſhortly ſet forth.

In county elections the writ does not direct the time, place, and manner of election with ſufficient minuteneſs; but theſe are ſupplied by ſeveral ſtatutes which ordain, that the ſheriff ſhall, within two days after the receipt of the writ, cauſe proclamation at the uſual place of election, of a ſpecial court, to be holden there for purpoſe of ſuch election only, any day except Sunday, not later than the ſixteenth day, nor earlier than the tenth, from the day of making ſuch proclamation, and to proceed then and there as at a county court, or adjourned county court, under the laws in being; and he is required to go to election between the hours of eight and eleven in the forenoon. The county court muſt be held at the moſt public and uſual place of election within the county, where it hath been uſually held for forty years laſt paſt; and the ſheriff is forbidden to adjourn the court to any other place, without conſent of the candidates. In the county of Hants, he may adjourn from Wincheſter to Newport, in the Iſle of Wight, at the requeſt of one of the candidates. And ſo eſſential is the place of the election preſcribed by the ſtatute, that when any particular circumſtance requires a variation, the legiſlature itſelf muſt interpoſe to authorize it. Therefore when priſoners were ſtationed at Wincheſter, who required a guard, the ſoldiery

ſoldiery being, by other ſtatutes, ordered to be removed during the election, it was enacted that the election ſhould be held at New Alresford, and not at Wincheſter.

In city and borough elections, the ſheriff, being originally under no ſpecial or expreſs regulation, uſed frequently to detain the writ, and neglect to iſſue the precept, and often would take upon himſelf to make the return of citizens or burgeſſes as elected, when, in truth, there had been no election. For remedy of theſe abuſes ſeveral ſtatutes have provided, that the ſheriff ſhall iſſue his precept within three days after the receipt of the writ, and deliver, or cauſe the ſame to be delivered, to the proper returning officer, and no other, who is to indorſe the date of the receipt in preſence of the perſon delivering it. In the Cinque Ports, the time for iſſuing the precept was enlarged to ſix days. The returning officer of the city or borough was formerly under no particular direction of time or place, for proceeding to the election, provided he was ready to make his return within the period required by the writ; but it has been enacted, that he ſhould proceed to the election within eight days from the receipt of the precept, giving four days notice, in which he muſt expreſs the purpoſe of meeting, as well as at the time, and place; and not ſtate it to be a meeting, generally. The place of election muſt be within the diſtrict, and ought to be in the guildhall; and though there is no ſtatute making that neceſſary, yet if it were held in any other place, contrary to the uſual courſe, which ſhould occaſion a prejudice to any of the candidates, it would probably make the election void.

For the prevention of undue influence many regulations are adopted.

When the time and place of election, either in counties or boroughs, are fixed, all ſoldiers quartered there are to remove, at leaſt one day before the election, to the diſtance of two miles, or more; and not to return till one day after the poll is ended. Riots have been frequently determined to make an election void: by vote of the houſe of commons, no lord of parliament, or lord-lieutenant of a county, has any right to interfere in the election of commoners; and, by ſtatute, the lord-warden of the Cinque Ports ſhall not recommend any members there. It is alſo enacted, that no candidate ſhall, after the date (uſually called the *teſte*) or after the ordering of the writs, that is, after the ſigning of the warrants to the chancellor for iſſuing them; or after the vacancy, give any money or entertainment to the electors, or promiſe to give any, either to particular perſons, or to the place in general, in order to his being elected; on pain of being incapable to ſerve for that place in that parliament. And if any money, gift, office, employment, or reward,

reward, be given to any voter, at any time, in order to influence him to give, or withhold, his vote, as well he that takes as he that offers, ſuch bribe, forfeits 500 l. and is for ever diſabled from voting and holding any office in any corporation; unleſs, before conviction, he will diſcover ſome other offender of the ſame kind, and then he is indemnified for his own offence.

On the day fixed for the election, the returning officer is firſt to take an oath againſt bribery, and for the due execution of his office. It is then uſual in caſes where a conteſt is expected, that the perſons intending to be candidates are put in nomination by their reſpective friends; and generally they addreſs the electors themſelves. The returning officer then requires a ſhew of hands on behalf of each candidate, and declares who of them, in his judgment, has a majority. The party to whoſe diſadvantage the declaration is made, by himſelf, or any elector, demands a poll. In this place it may be neceſſary to obſerve, that a candidate is not precluded from offering himſelf, becauſe he was not put in nomination the firſt day; a new one may be propoſed at any time during the poll; but the electors who have once given their ſuffrages cannot retract, or alter them, in conſideration of that, or any other circumſtance.

By ſeveral ſtatutes it is enacted, that the poll ſhall commence on the day demanded, or on the next, unleſs Sunday, and then upon the following day; and not to continue more than fifteen days, Sundays excepted; and the poll is thereby required to be kept open each day during its continuance, for ſeven hours at leaſt, between the hours of eight and eight. In county elections, the ſheriff, or, in his abſence, the under-ſheriff, with ſuch others as he ſhall depute, proceed to take the poll immediately on its being demanded. The clerks are to take it in the preſence of the ſheriff, or under-ſheriff, or ſuch as ſhall be deputed; and the ſheriff, or under-ſheriff, ſwear the clerks truly and indifferently to take ſuch poll, and to ſet down the name of the freeholder, the place where his freehold lies, and for whom he is polled. The ſheriff, or, in his abſence, his under-ſheriff, appoints, for each candidate, ſuch one perſon as he ſhall nominate, to be inſpector of every clerk appointed to take the poll. Booths are erected at the expence of the candidates, proportioned to the hundreds within the county, not exceeding fifteen in number; and a clerk appointed to take the poll at each booth; and liſts are made out of the towns, villages, pariſhes, or hamlets, in each hundred, rape, or diſtrict; and a copy delivered to each candidate on requeſt: and none are to vote for lands lying within any other hundred, town, or pariſh, except in thoſe mentioned in the liſts of ſuch

ſuch booth, unleſs the lands lie in ſome place not mentioned in any of the liſts. Elections for cities and other places proceed under nearly the ſame regulations; and for protecting the rights of the candidates, counſel are allowed to attend and diſcuſs, before the returning officer, any objections which may be made to the voters.

The rights and powers of the returning officer, in theſe caſes, do not appear to be clearly aſcertained. He muſt, if required, oblige the candidates, or either of them, to ſwear to their qualifications, but he cannot judge of their diſability. He may oblige the electors to ſwear to their qualifications, age, religion, and exemption from bribery; and, on objection taken to any of them, may hear the objection diſcuſſed by counſel; but the evidence of the voter is concluſive in the caſe, no other teſtimony can, during the election, be adduced; and it is very doubtful whether the voter is obliged to anſwer any queſtion tending to prevent him from exerciſing the franchiſe which he claims. If a perſon having a right to vote, is hindered by the preſiding officer, an action on the caſe will lie; but it would be incumbent on the plaintiff to prove that the obſtruction was wilful and malicious. If the freedom of election is violated by any riotous and tumultuous proceedings, the ſheriff may take the offenders into cuſtody; but whether he may commit, where the election is not obſtructed in any manner amounting to a breach of the peace, may admit of ſome doubt.

Scrutiny. A poll protracted to the lateſt moment, muſt be cloſed at three o'clock in the afternoon, on the fifteenth day; and the returning officer muſt then immediately, or on the next day, publicly declare the names of the perſons who have a majority of voices; and forthwith make a return accordingly, unleſs a ſcrutiny is demanded by any candidate, or by two or more of the electors, which he ſhall deem it neceſſary to grant. In that caſe, he is to proceed thereupon; but ſo as that, in all caſes of a general election, if he has the return of the writ, he ſhall cauſe a return of the members to be filed in the crown office, on or before the day on which the writ is returnable; and if he acts under a precept, he ſhall make a return of that inſtrument at leaſt ſix days before the return of the writ; but if it is not a general election, then, in caſe of a ſcrutiny, a return of the member ſhall be made within thirty days after the cloſe of the poll. Upon a ſcrutiny, the returning officer cannot compel any witneſs to be ſworn, though the ſtatute gives him the power of adminiſtering an oath to thoſe who conſent to take it. Where

there are objections to votes on each ſide, he muſt decide on them alternately.

RETURN. The ſcrutiny being finiſhed, the ſheriff muſt make a return of the perſons who have a majority on the reviſed poll within the time limited by law. The words of the writ, ſo far as they relate to the return, are, "and the names "of the knights, citizens, and burgeſſes, ſo to be elected, you "cauſe to be inſerted, in certain indentures to be thereupon "made between you and thoſe who ſhall be preſent at ſuch "election, and them at the day and place aforeſaid you cauſe "to come, &c. &c. And that the election in your full county, "ſo made diſtinctly and openly, under your ſeal, and the "ſeals of thoſe who ſhall be preſent at ſuch election, you do "certify to us, in our chancery, at the day and place aforeſaid, "without delay, remitting to us one part of the aforeſaid in-"dentures annexed to theſe preſents, together with this writ." The certificate of the election is required to be the ſame both in county and borough elections; that is, by indentures, under the ſeals of the electors, and of the returning officer, who ſeals a counterpart. This practice has been conſtantly complied with, and ſeems analogous to proceedings of inquiſition before the ſheriff and coroner, who return their inqueſts under ſeal. Any other mode of making the return has been held bad, but amendable.

For a falſe return, the ſheriff, by the old ſtatutes of Henry VI., forfeits 100*l.* and the returning officer in boroughs, 40*l.* For offences againſt the act of 25 Geo. III. c. 84, they are puniſhable by information or indictment, to which no *nolle proſequi* or *ceſſet proceſſus* can be entered; and if any ſheriff or returning officer ſhall wilfully delay, neglect, or refuſe, duly to return any perſon who ought to be returned, the party may, on the deciſion of a ſelect committee in his favour, ſue ſuch returning officer, in any court of record at Weſtminſter, or the court of ſeſſions in Scotland; and ſhall recover double the damages he ſhall ſuſtain by reaſon thereof, with full coſts of ſuit. Where the right of election is doubtful, and conſequently what candidates are duly elected, the returning officer may, and, for his own ſafety, ought to make a double return. But this muſt be done on the returning officer's own judgment, not on the agreement of the parties. When the election is over, the returning officer is bound, under a penalty of 500*l.* to deliver forthwith a copy of the poll to any perſon deſiring it, and paying a reaſonable charge for writing it. And the ſheriff muſt, within twenty days after a county election, deliver upon oath to the clerk of the peace, all the poll books

of

of ſuch election, without any embezzlement or alteration; and where there are more clerks of the peace than one, the original poll books to one of the clerks; and atteſted copies to the reſt, to be kept among the records of the county.

PETITION. The perſons returned according to the forms above deſcribed are the ſitting members; until the houſe of commons, upon petition, ſhall adjudge the return to be falſe and illegal. By the ſtatute 10 Geo. III. c. 16, called the Grenville act, explained, amended, and improved by ſeveral ſucceeding acts of the legiſlature, a tribunal is erected and regulated for determining the merits of conteſted elections. By theſe ſtatutes, any perſon intereſted may preſent a petition, complaining of an undue election; but one ſubſcriber of the petition muſt enter into a recognizance, himſelf in 200 *l.* with two ſureties in 100 *l.* each, to appear and ſupport his petition; and then the houſe appoint a day beyond fourteen days after the commencement of the ſeſſion, or the return of the writ, and give notice to the petitioners and the ſitting members to attend the bar of the houſe on that day by themſelves, their counſel, or agents; which day may be altered; but notice muſt be given of the new-appointed day. On the day fixed, if one hundred members do not attend, the houſe adjourns from day to day, except over Sundays, and for any number of days over Chriſtmas-day, Whit-Sunday, and Good-Friday. And when one hundred or more members are preſent, the houſe ſhall proceed to no other buſineſs, except ſwearing in members, receiving reports from committees, amending returns, attending his majeſty or commiſſioners in the houſe of lords, receiving meſſages from the lords, or, on days appointed for the trial of any articles of impeachment exhibited by the commons in parliament, the buſineſs neceſſary for that purpoſe; then the petitioners, their counſel, and agents are ordered to the bar, the door locked, the orders of the day read, and the names of all the members belonging to the houſe, written or printed on ſeparate pieces of parchment of equal ſize, are put into ſix boxes or glaſſes in equal numbers, and the clerk draws a name from each of the glaſſes, in rotation, which name is read by the ſpeaker; and if the perſon is preſent, and not diſqualified, it is put down, and in this manner they proceed till forty-nine ſuch names are collected. But beſides theſe forty-nine, each party ſelects out of the whole number preſent, one perſon who is to be his nominee. Members who have voted at that election, or who are petitioners, or are petitioned againſt, cannot ſerve; and perſons who are ſixty years of age, or who have ſerved before, are excuſed if they require it; and others who can ſhew any material reaſon, may alſo be excuſed by the indulgence of

the houſe. After forty-nine names are ſo drawn, liſts of them are given to the reſpective parties, who withdraw, and alternately ſtrike off one (the petitioners beginning) till they are reduced to thirteen; and theſe thirteen, with the two nominees, conſtitute the ſelect committee. If there are three parties, they alternately ſtrike off one; and in that caſe the thirteen chuſe the two nominees. The members of the committee thus formed are then ordered by the houſe to meet within twenty-four hours; and they cannot adjourn for more than twenty-four hours, except over Sundays, Chriſtmas-Day, and Good-Friday, without leave of the houſe; and no member of the committee can abſent himſelf without the like leave, upon ſpecial cauſe verified upon oath. The committee cannot originally proceed to buſineſs with fewer than thirteen members; but after they have ſat fourteen days, twelve, and after twenty-five days, eleven members are ſufficient. If for three ſucceſſive days the requiſite number fail in their attendance, the committee is diſſolved. They continue to ſit, notwithſtanding a prorogation of parliament. They are all ſworn at the table of the houſe, that they will give a true judgment according to the evidence; and every queſtion is determined by a majority. They may ſend for witneſſes, and examine them upon oath. When the whole evidence is heard, they report to the houſe whether the election be a due election or void; and alſo whether the petition or defence be frivolous and vexatious, in which caſe the party aggrieved ſhall recover coſts: and the houſe, on being informed of ſuch report by the chairman of the committee, order the ſame to be entered in their journals, and give the neceſſary directions for altering or confirming the return, or for iſſuing a new writ, or for carrying ſuch determination into execution, as the caſe may require.

But when the committee are of opinion that the merits of a petition depend upon a queſtion, reſpecting the right of election, or the appointment of a returning officer, they require the counſel of the reſpective parties to deliver a ſtatement of the right for which they contend, and the committee then report to the houſe thoſe ſtatements with their judgments thereupon; and if no perſon petition within a twelve month, or within fourteen days after the commencement of the next ſeſſion, to oppoſe ſuch judgment, it is final and concluſive for ever. But if ſuch a petition be preſented, then, before the day appointed for the conſideration of it, any other perſon, upon this petition, may be admitted to defend the judgment; and a ſecond committee are appointed exactly in the ſame manner with the firſt; the deciſion of which committee puts an end to all further litigation on the point in queſtion.

EFFECT

EFFECT OF ELECTIONS. The individual thus elected and returned, becomes the repreſentative of the commons of the united kingdom of Great Britain and Ireland, and not the delegate or agent of the particular place for which he takes his ſeat.

DUTY OF ATTENDANCE. In ancient times a ſalary was allowed to each member for his attendance: to a knight of the ſhire, 4s. and to a citizen or burgeſs, 2s. per day, for expences going to, remaining at, and returning from parliament; this ſtipend was ſo burdenſome to ſeveral places, that they obtained permiſſion to deſiſt from ſending members, but it has long been diſcontinued. While it remained as the reward of attendance, a ſuppreſſion of it, and fine and information for contempt, afforded means of puniſhing thoſe members who abſented themſelves from the houſe without a licence, entered on the book by the clerk. The duty of attending is ſtill equally imperative, and the neceſſity far greater than in thoſe times; but no mode of enforcing it adopted, except a *call of the houſe*, which by act of parliament always takes place, before the taking into conſideration a petition relating to a controverted election, and generally, on the motion of any member who has buſineſs of importance to bring forward. The order for a call is always accompanied with a reſolution, that ſuch members as do not attend, be taken into cuſtody of the ſerjeant at arms; but this neceſſary ſeverity is rarely exerciſed. It is a common proceeding, when the houſe is going upon important buſineſs, to ſend the ſerjeant with the mace into Weſtminſter Hall, and the places adjacent, to ſummon the members to attend the ſervice of the houſe; and this is almoſt univerſally done, when the houſe is to be called over. When it is obſerved that members ſtay in the country, and abſent themſelves from the buſineſs of the houſe, it is uſual to order the houſe to be called over; and ſometimes the ſpeaker is directed to write circular letters to the ſheriffs to ſummon the members to attend; copies of which are always entered in the journal: it is alſo not uncommon to order, "That no member ſhall go out of town without "leave, to be obtained by motion in the houſe." And it is the duty of the commons, eſpecially in times of difficulty, to compel the attendance of members by frequent calls; and not to permit the indolence of ſome, the inattention of others, or the love of amuſement in many, to leave the moſt important and intereſting queſtions to be diſcuſſed and decided upon in thin houſes.

MEMBER CANNOT RESIGN. He who is once duly choſen, cannot relinquiſh his ſeat, nor be diſcharged from it, but by operation of law. Sickneſs was formerly urged as an excuſe;

and it was held, that an incurable diſeaſe would be a ſufficient ground for granting a prayer to be removed; but the more modern and better opinion is, that the impoſſibility of aſcertaining the degree of infirmity under which a member may labour, and of pronouncing that he is incurable, is a ſufficient cauſe for not removing him, though, to all appearance, he may never be able to attend again. Inſtances are, however, recorded of new writs being iſſued to ſupply the place of members who refuſed to take the oaths, and ſubſcribe the declaration required by law. If a perſon is elected for two places, which often happens at a general election, he may chuſe for which he will ſerve, and a new writ iſſues for the other; but a member who has once taken his ſeat, cannot reſign it in order to be elected for another place. The general means of vacating ſeats in the houſe of commons are, death; being called up by royal favour, or ſucceſſion, into the houſe of lords; accepting of offices; and expulſion.

Death is mentioned only for the ſake of obſerving, that when the houſe, by a falſe report, was induced to iſſue a writ, on the ſuppoſition that a member was dead, they, of their own authority, iſſued a ſuperſedeas, without application to the chancellor, though that meaſure was ſtrongly urged by ſome very able lawyers.

Peerage muſt, in courſe, diſqualify a member from retaining a ſeat in the lower houſe; though the eldeſt ſons and heirs apparent of peers are allowed to ſit. A doubt was raiſed in debate, in the year 1782, whether Lord Rodney, being created a peer, in his abſence and without his knowledge, ought to be underſtood to have vacated his ſeat, before he had accepted the intended mark of royal bounty; but the queſtion was not conſidered very ſerious, and a writ iſſued.

Accepting certain places of truſt and profit, under the crown, vacates the ſeat; ſome placemen are incapable of being re-elected; others not. Of late years it has been the practice to evade the ſtrict law which forbids a member to renounce his ſeat, by obtaining from the miniſter an appointment to the *ſtewardſhip of the three Chiltern hundreds*, or of the *manor of Eaſt Hendred*. Long acquieſcence has given a ſanction to this parliamentary fiction; and therefore it is perhaps better, merely to ſtate it, than to offer any of thoſe animadverſions to which it gives riſe.

Expulſion. The right of the houſe of commons to expel members for conduct injurious to their body, diſgraceful to their proceedings, or tending, by the ignominy of the individual, to bring contempt on thoſe who are aſſociated with him, is ancient and undoubted. In the celebrated caſe of Mr. Wilkes,

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the queſtion, whether a perſon ſo expelled, was eligible to ſit again in the ſame parliament, was agitated with great clamour and violence for ſeveral years. At length, rather as a ſacrifice to popularity than to juſtice, or even expediency, the proceedings on that ſubject were expunged from the journals. If this deciſion be conſtrued to import, that the member expelled is capable of ſitting again in the ſame parliament, without a vote of the houſe retractive of their previous deciſion, the privilege of parliament in this reſpect exists in vain. It may be counteracted and defied by the interference of a miniſter, by the caprice of an individual poſſeſſing the property or patronage of a borough, or by the factious perſeverance of any ſet of electors, determined to ſupport a favoured individual, and to vilify and degrade the legiſlature.

Privileges. The privileges, liberties and juriſdiction of parliament are the right and inheritance of the ſubject; they tend, in general, to make thoſe, whoſe time and vigilance are devoted to the ſervice of the nation, free and reſpectable. Some privileges which extend to members of both houſes alike, have been enumerated; and ſome others which belong to both, or are peculiar to the lower houſe, with their limitations and reſtrictions, are ſubjoined.

Exemption from Arreſt was formerly a much more extenſive immunity than it is in theſe days. It ſpread the ſanction of the member's charter over an indefinite number of attendants, and over his goods and lands. The latter branches of privilege are now ſuppreſſed, and during an adjournment the perſonal liberty is limited to forty days. This privation of privilege is a great retrenchment of the right claimed in the reign of James I. when, on an intended adjournment for five months, a reſolution was drawn up by Sir Edward Coke, and carried, "That "in caſe of any arreſt, or any diſtreſs of goods, ſerving any "proceſs, ſummoning the land of a member, citation or ſum-"moning his perſon, arreſting his perſon, ſuing him in any "court, or breaking any other privilege of this houſe; a letter ſhall "iſſue, under Mr. Speaker's hand, for the party's relief there-"in, as if the parliament was ſitting; and the party refuſing "to obey it, to be cenſured at the next acceſs." Nor did a motion prevail that the lands and goods of members, being debtors, might not be privileged during that long receſs. The privilege from arreſt includes all caſes of debt, treſpaſs, or contract; nor will the courts at Weſtminſter grant an attachment againſt a member for not paying a ſum of money awarded, though the defendant conſent, on condition that the attachment ſhall lie in the office for a certain time. But no privilege extends to treaſon, felony, or ſurety of the peace, in

which term is included the publication of libels; nor is a member protected againſt being compelled by proceſs of the courts at Weſtminſter to obey a writ of *Habeas Corpus* directed to him. The principal grounds for the claim of this privilege are, the ſecuring to members their right of attendance in parliament, unmoleſted by threats or inſults from private perſons; their thoughts and attention undiſturbed by any concern for their goods or eſtate; their perſonal preſence in the houſe not to be withdrawn, either by the ſummons of inferior courts, by the arreſt of their bodies in civil cauſes, or, what was of more importance, by commitment by orders from the crown, for any ſuppoſed offences. But it muſt be always underſtood, that privilege which is allowed in caſe of public ſervice for the commonwealth, muſt not be uſed for the danger of the commonwealth; and thoſe who have been the moſt ſtrenuous ſupporters of it have been more ready to allow, "That it equally "imported them, as well to ſee juſtice done againſt them that "are criminous, as to defend the juſt rights and liberties of the "ſubjects, and parliament of England."

Protection from Aſſault and Abuſe. The ſacred character of a member of parliament has always been very highly conſidered, and the aſſault of his perſon, or ſuch publications or words as convey ſlander againſt him individually, or againſt the proceedings of the houſe, have ever been ſubject to ſevere animadverſion. At firſt, it was uſual, in ſuch caſes, to addreſs the crown for puniſhment of offenders, and ſtatutes were enacted againſt thoſe who aſſaulted members of parliament, or their ſervants; but in later times, theſe laws being found ineffectual, the houſe of commons very properly took the inquiry and puniſhment into their own hands. It has, however, been very common, particularly ſince the revolution, for the houſe, in caſes of libels, and ſeveral other offences, either to order the attorney-general to proſecute the offenders, or addreſs the king to give directions for that purpoſe. This mode of proceeding has been generally confined to caſes, which deſerve a puniſhment which the houſe of commons cannot inflict.

Liberty of Speech. This eſſential and invaluable charter is now eſtabliſhed on as firm a footing, and exerciſed in a manner as unreſtrained as the moſt ſanguine advocate for freedom of debate could deſire or imagine. It was however obtained, as many other rights were, in conſequence of explanations and firm demands, ariſing from cenſures, proſecutions in the ſtar chamber and other courts, and ſimilar exertions of miniſters in the imperfect periods of the conſtitution, to reſtrain or ſuppreſs a licence, which muſt, if indulged, be fatal

to power unwarrantably exercised. This right of speech and freedom from question in any other place, for what is said in either house of parliament, is attended with a regulation for preventing the publication of the speeches of members, which, though constantly in force, is daily violated, not barely with the connivance, but with the assent, and almost the express sanction of the house. It would not be proper in this work to discuss the fitness of such constant and speedy disclosures, not to the nation alone, but to all the world, of every expression to which the unrestrained freedom of speech gives birth in a popular assembly. The practice is now established and cherished in too great a degree to be suppressed, though it may occasionally be controlled: to say that it is but right and decent for the constituents to have an opportunity of knowing what is said and done by their representatives, appears almost a truism: but the daily publication of debates on subjects yet undecided is often productive of bad effects, by inspiring exaggerated hopes and unfounded fears, and by inducing members to address their sentiments rather to the galleries than to the chair. The general disposition to debate on all public affairs, has perhaps been increased by this practice; but the disputants without doors are put much more upon a level than formerly; every paper which contains the argument on one side, gives also the reply; whereas formerly, political disputes were only judged of by party pamphlets, and occasional publications of protests, and garbled debates. Every liberty may be perverted, and licentiousness may result from malice or from ignorance; but guarded as the members of parliament are, both by equal laws and exclusive privileges, they have little to fear from personal misrepresentation; and a moderate and timely exertion of the standing order to clear the house, when particular debates are expected, will always insure the nation against the effects of indiscreet publications of matters which ought to be kept secret.

Franking of Letters. This privilege, rather, in its present state, honorary than advantageous, will be more properly considered in treating of the post office; and there are some minuter privileges, such as, exemption from serving on juries, and some distinctions in the claims of privilege, which are rather to be considered as appertaining to a law treatise, than to a work of this kind.

The great privileges of the freedom of speech, and exemption from arrest, are prayed for by the speaker to the king, at the beginning of every parliament; and in the course of debate in the house, a question of privilege must be disposed of whenever it arises, before other business can be proceeded on.

The House. The house of commons is a long spacious

room, with benches for the accommodation of members, an elevated chair for the ſpeaker, a table at which the clerks ſit, and on which the mace is laid, and which is furniſhed with journals and other books neceſſary for information, glaſſes for ballots, &c.; there are alſo galleries on each ſide, and at the end over the door; the ſide ones for members, who frequently addreſs the chair from thence, that at the end for ſtrangers, who are admitted either by a ticket from a member, or by permiſſion of the door keepers, who have a perquiſite on the occaſion. There is a bar, below which, counſel and witneſſes, and other perſons deſired to attend the houſe with documents, or as delinquents, are ſtationed. The lobby is the general avenue to the houſe, and there are many rooms for private committees.

Form of Sitting. In general, all ſeats in the houſe are free to every member. On the opening of a parliament, the members for the cities of London and York claim a right of ſitting on the lower bench, on the right hand of the ſpeaker, and generally exerciſe it; at other times this is called the treaſury bench, (and as appears from the ancient journals, uſed to be reſerved for privy counſellors,) and is now, by favour of the houſe, left for the lords of the treaſury, and other members in great offices, who are ſuppoſed by their avocations to be prevented from coming down to take places for themſelves: but this too is matter of courteſy, and not of right, for Mr. Pulteney, when in the height of oppoſition to Sir Robert Walpole, always ſat on the Treaſury Bench. Of right, no member can claim any other ſeat than what he has taken at prayers, or finds vacant afterwards, on his coming into the houſe: it is, however, frequently allowed to members who have paſſed through the great offices, to keep the ſame ſeat, without being put to the inconvenience of coming down to take it. It is commonly underſtood, that a member who has received the thanks of the houſe in his place, is intitled to that place whenever he comes to the houſe, at leaſt during that parliament; and it is generally allowed him by the courteſy of the houſe. Diſputes occaſionally ariſe reſpecting the right to ſeats which members have left, depoſiting in them a glove, book, or other thing, and intending to return; but theſe are ſettled by the ſpeaker. The right to ſeats is loſt by attending the ſpeaker to the houſe of lords, and by all but the tellers on a diviſion; but, in general, party divides the houſe into two arrangements, known by the name of the treaſury and oppoſition benches.

Election and Office of Speaker. Anciently there was no conſtant ſpeaker of the Houſe of Commons, but one was elected occaſionally, or *pro tempore*: but now at the meeting of every new parliament a ſpeaker is choſen, whoſe office, unleſs voluntarily

voluntarily vacated, laſts till the diſſolution. It is eſſentially neceſſary, to enable the houſe to proceed to elect a ſpeaker, that a direction or permiſſion from the king ſhould be ſignified by the lord chancellor, in the houſe of lords, or by ſome privy counſellor in the houſe of commons. The exceptions to this rule are the convention parliaments in 1660, and 1688, but they are exceptions which fortify, rather than weaken the general principle.

When a conſiderable number of members of a new houſe of commons have taken the oaths, and are aſſembled on a day prefixed, a meſſage is ſent, requiring their attendance in the houſe of lords. The clerk of the houſe of commons, with ſuch members as think fit, repair to the upper houſe, where the lord chancellor informs them, that his majeſty will defer declaring the cauſes of calling the parliament till there ſhall be a ſpeaker of their houſe, and therefore it is his majeſty's pleaſure, that they do immediately repair to their uſual place of ſitting, chuſe a ſpeaker, and preſent the perſon ſo choſen to the king, in the houſe of lords, on a day mentioned.

On the return of the members to the houſe of commons, the clerk being ſeated at the table, and the mace laid under it, any member who is deſirous of recommending a perſon to be ſpeaker, addreſſes himſelf to the clerk, and with what exordium or obſervations he thinks fit, names the individual, who muſt be preſent at the time. Any other member may put another perſon in nomination, and in that caſe the houſe is divided, not by going out, as on other diviſions of the houſe, but by ſeparating to the right and left of the chair, as in committees; the clerk appoints one teller on each ſide. If there is no competition, no queſtion is put. The ſpeaker elect is then conducted to the chair by his friends, generally with ſome expreſſions of reluctance on his part, and when he is ſeated, the mace is laid on the table by the ſerjeant. Formerly the perſon in the chair held ſome conſiderable office in the ſtate, but the more pure practice of modern times has been to allow a ſalary, correſponding with the dignity of his ſtation, and ſufficient to ſecure him from the imputation of dependency on the court, but although no office is in theſe times held by the ſpeaker while he continues to hold that high and honourable ſtation, ſeveral who have left it have been advanced to the moſt eminent ſituations in the ſtate, and it has been uſual for the houſe to addreſs his majeſty, requeſting that ſome mark of his bounty might be conferred on a retiring ſpeaker.

At the time appointed, the ſpeaker, with a train of members, appears in the houſe of lords, and informing the king of the election which has been made, alleges his own doubts of

ability, and prays his majeſty not to confirm the choice of the commons, but direct them to fix it on a more able individual. This practice is as ancient as the appointment of a permanent ſpeaker, and was perhaps intended for various purpoſes: it might be, when freedom of ſpeech was leſs eſtabliſhed than now, to diſcharge the preſident of the popular aſſembly from the diſgrace and penalties he might have incurred, if he voluntarily aſſumed the lead where expreſſions might be uſed offenſive to the crown. It might be intended as an expreſs and perpetual recognition of the power undoubtedly poſſeſſed by the crown, of rejecting the perſon choſen by the commons, and even of recommending an individual whom he would approve. But, however it might originate, the practice of making an excuſe by the ſpeaker, and that equally general, of confirming the election of the commons by the king, have not been uniformly followed. In the time of Charles II. (7th March, 1678,) Sir Edward Seymour, who had been choſen ſpeaker of the houſe of commons, knowing that it had been determined, at a council the night before, to accept of his excuſe, on account of ſome diſpute he had with Lord Danby, purpoſely avoided making any, in order to throw the greater difficulty on the chancellor in refuſing him. The king, however, perſevered in his intention, and the houſe, after much diſcuſſion, elected another ſpeaker.

After confirmation of the choice made by the commons, it is uſual for the ſpeaker to requeſt for the houſe and himſelf; 1ſt. Freedom of acceſs to the ſovereign. 2d. Pardon for himſelf if he ſhould miſtake or miſreport any matter that he was ordered to declare. 3d. Freedom of ſpeech; and 4th. Exemption from arreſts and ſuits, for the members and their ſervants; adhering in this to the ancient form, although, by ſtatute, the protection of ſervants is no longer allowed.

When the ſpeaker has been choſen, and the commons returned to their own houſe, a bill is read, from which the ſeſſion begins.

During the ſpeaker's abſence, whether from illneſs, or any other cauſe, no buſineſs can be done, nor any queſtion propoſed, but that of adjournment, which is put by the clerk. This great inconvenience is much increaſed of late years, from the quantity of buſineſs, and lengthened ſittings of the houſe of commons; many propoſitions have been made, but without effect, for a deputy-ſpeaker, or one *pro tempore*. By a late act of parliament, the ſpeaker, if abſent from the realm, is enabled to perform one part of his office, that of iſſuing warrants to the clerk of the crown, for making our writs to elect members, in the room of ſuch as die or become peers during a receſs, by deputies appointed by himſelf.

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A principal duty of the ſpeaker is to keep order during the debates. The following modes of conduct have been declared, at different times, to be diſorderly;

Firſt. Members ſpeaking twice, or oftener, in the ſame debate.

Second. Members ſpeaking impertinently, or beſide the queſtion.

Third. Uſing unmannerly or indecent language againſt the proceedings of the houſe;

Fourth. Or againſt particular members.

Fifth. Uſing the king's name irreverently, or to influence the debate.

Sixth. Hiſſing, or diſturbing a member in his ſpeech.

Seventh. Walking up and down the houſe, ſtanding on the floor, in the gangways, or in the gallery.

Eighth. Taking papers and books from the table, or writing there, to the great interruption of the clerks; and

Ninth. Croſſing between the chair and a member that is ſpeaking; or between the chair and the table; or between the chair and the mace, when the mace is taken off the table by the ſerjeant.

From the warmth of debate, the occaſional irritation which prevails, the deſire of ſome members to gain admiration, and the inexperience of others in the rules and forms of the houſe, it is often not eaſy, ſometimes, perhaps, not poſſible, for the ſpeaker to enforce all theſe rules in their ſtrict ſenſe. But, in general, the taſk is performed with as much rigour as can be aſſumed without the appearance of tyranny, and with an impartiality which never affords juſt ground of complaint. The ſtanding orders of the houſe are not to be diſcuſſed, but enforced, and all parties have an evident intereſt in maintaining the eſtabliſhed regulations, and ſupporting the ſpeaker in the proper exerciſe of the authority which they have intruſted in his hands, not for the purpoſe of gratifying him in a love of pre-eminence, or appearance of command, but of protecting and inſuring their own moſt valuable privileges. It was obſerved by Mr. Onſlow, who filled the chair upwards of thirty years, "That nothing tended more to throw power into the "hands of adminiſtration, and thoſe who acted with the ma"jority of the houſe of commons, than a neglect of, or a de"parture from, theſe rules. The forms of proceeding, as in"ſtituted by our anceſtors, operated as a check and controul "on the actions of miniſters; and they were, in many in"ſtances, a ſhelter and protection to the minority, againſt "the attempts of power." The majority can protect themſelves by their numbers againſt any injurious attempt; but the mino-

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rity can check the wantonneſs of power, only by obſerving and requiring a ſtrict adherence to the ſtanding orders.

It belongs to the ſpeaker's place to appoint tellers, two on either part, indifferently. If any doubt ariſe upon a bill, the ſpeaker is to explain, but not to ſway the houſe with argument or diſpute. When he deſires to ſpeak, he ought to be heard without interruption, if the houſe be ſilent and not in diſpute.

The ſpeaker, though he ought, upon all occaſions, to be treated with the greateſt reſpect and attention by the individual members of the houſe, is, in fact, but a ſervant to the houſe, and not their maſter; and it is therefore his firſt duty to obey implicitly the orders of the houſe, without attending to any other command. This duty is extremely well expreſſed, in a few words, by Speaker Lenthall; who, when that ill-adviſed monarch Charles I. came into the houſe of commons, and, having taken the ſpeaker's chair, aſked him, "Whether any of "the five members that he came to apprehend were in the "houſe? Whether he ſaw any of them? And where they were? made this anſwer:

"May it pleaſe your majeſty,

"I have neither eyes to ſee, nor tongue to ſpeak, in this "place, but as the houſe is pleaſed to direct me; whoſe ſer-"vant I am here; and humbly beg your majeſty's pardon, that "I cannot give any other anſwer than this, to what your ma-"jeſty is pleaſed to demand of me."

The ſpeaker ought to be very cautious, and pay an exact attention to the rule: "That he is to explain, but not to ſway." If referred to for information, in point of order or practice, it is his duty to ſtate every thing he knows on the ſubject, from the journals, or the hiſtory of parliament; but he ought not to argue, or draw concluſions from this information.

The ſpeaker has no voice but to utter the ſenſe of the houſe, when declared; and accordingly, when Sir Edward Seymour, who filled, at the ſame time, the chair of the houſe, and the office of treaſurer of the navy, offered, in a debate on maritime affairs, to ſpeak to the point as treaſurer, the houſe decided that he could not be heard.

It has been eſtabliſhed by ancient authority, that the ſpeaker has no right to vote in a queſtion, unleſs the numbers be equal; and then it becomes his office to give a caſting voice: on this occaſion, it has been ſometimes uſual to ſtate his reaſons; but, at that moment, all poſſibility of ſwaying or influencing the houſe is paſt.

It is part of the ſpeaker's office to ſign warrants to the clerk of the crown to make out new writs, for the electing of members, to ſerve in the room of thoſe whoſe ſeats are become vacant.

vacant. In 1672 an attempt was made by Lord Shaftſbury, then chancellor, to arrogate to the crown the privilege of iſſuing writs during a prorogation; but the houſe, on its meeting, before any other buſineſs was diſcuſſed, reſolved, "That "the ſpeaker do iſſue his warrants to the clerk of the crown, "for ſuperſeding all the writs for election of members, that "were not executed before the firſt day of this ſeſſion; and "that all elections upon writs iſſued ſince the laſt ſeſſion are "void; and that Mr. Speaker do make out his warrants for "iſſuing writs for thoſe places." The exerciſe of this branch of the ſpeaker's power could be ſolely by virtue of the authority of an order of the houſe of commons, until, by ſtatutes 10th Geo. III. c. 41. and 15th Geo. III. c. 36. he was enabled, during a receſs, without ſuch order, under particular limitations and reſtrictions, to iſſue his warrants.

When the houſe order any member, or other perſon, to be reprimanded, or thanked, it is part of the ſpeaker's duty; and his ſpeeches, on theſe occaſions, are frequently ordered to be printed, and entered in the journals.

In point of rank, the ſpeaker of the houſe of commons is placed next to the peers of Great Britain, as well during the prorogation as the ſitting of parliament. In all public commiſſions he is ſo ranked; and has the precedence at the council table, as a privy counſellor. And although on common occaſions, and by practice at the council board, and in commiſſions of the peace, and in ſome other commiſſions, the ſpeaker gives place to Iriſh peers, and whoever elſe by courteſy takes place before ſome peers of the realm, as ſons of dukes and marquiſſes; yet in all commiſſions by act of parliament he is named before theſe; and ſo ought to be in all ſolemn and national matters. During the ſitting of parliament, and adjournments of it, the ſpeaker has the keeping of the mace, and is to be attended with it, and ought never to appear on any public occaſion without it; and then always in his gown.

PROCEEDINGS IN THE HOUSE: *Prayers.* Every day before the houſe of commons aſſembles, prayers are ſaid in the houſe by the ſpeaker's chaplain. On ſolemn days, as 30th January, 29th May, and 5th November, ſome divine of the dignity of dean, or doctor in divinity, is deſired to preach a ſermon before the houſe. Committees may however ſit before prayers.

NUMBER OF MEMBERS. As the rule that 40 members ſhould be preſent, was intended to prevent queſtions being carried by ſurpriſe, and in a thin houſe, it has been obſerved inviolably, both as to the number preſent, when the ſpeaker takes the chair, and as to his quitting it again immediately, if that number does not appear at four o'clock. This diſtinction of not adjourning immediately, if it is before four

four o'clock, but of waiting, and, if ſufficient members come in, proceeding to buſineſs, ariſes from that being the hour preſcribed by the 30th Charles II., and 13th William III.; before which any member may take the oaths at the table; and therefore if the ſpeaker has taken the chair, and a member is introduced before that time, he may be ſworn, though 40 members are not preſent; for a regulation adopted by the houſe of commons cannot ſuperſede the directions of an act of parliament. But if, whilſt any buſineſs is depending after four o'clock, notice is taken that forty members are not preſent, the ſpeaker by his own authority, without putting a queſtion, adjourns the houſe, but not over a ſitting day, unleſs they have previouſly reſolved, "That at their riſing, they do adjourn to "a particular day," which is frequently done when the houſe is expected to break up for want of forty members. By the practice of the houſe, it is equally neceſſary, that forty members ſhall be preſent, in a committee of the whole houſe; if not, the chairman immediately leaves the chair, the ſpeaker reſumes it, and the chairman reports only the cauſe of their diſſolution. The ſpeaker, or the chairman of the committee, is conſidered as one of the forty.

STRANGERS. To preſerve that freedom in debate, without which parliament would ſit in vain, the houſe of commons has many ſevere regulations for the excluſion of ſtrangers; and although theſe are not generally enforced, yet on particular occaſions they are reſorted to with great advantage to the houſe, and conſequently to the public. When a member in his place takes notice to the ſpeaker of ſtrangers being in the houſe or gallery, it is the ſpeaker's duty, immediately to order the ſerjeant to execute the ſtanding order, and clear the houſe of all but members; on this point he permits no debate, nor is any queſtion moved; a violent ſtruggle is frequently made, and conſiderable warmth prevails; members move for the order to be read, endeavour to explain, and debate upon it; but, in a ſhort time, the confuſion ſubſides, and the houſe is cleared, for if any one member inſiſts, the ſpeaker has no diſcretionary power. Members ſometimes threaten to move for a day to conſider, explain, or repeal the order, but cool conſideration ſhews the eſſential neceſſity of leaving it unaltered. The houſe have, in many inſtances, connived at the breach of it; and it has been often underſtood, that the obſervance ſhould be remitted with reſpect to peers, officers of the houſe of lords, and ſome other perſonages, but this is only ſufferance; the order itſelf muſt neceſſarily exiſt, and when required be put in execution without delay or debate. No man, whether peer or in office, can claim the ſuſpenſion or non-obſervance of it as a right; in many inſtances

ſtances diſputes between the two houſes have cauſed it to be rigidly, and perhaps peeviſhly, enforced. In former times, ladies were admitted to hear the debates, but for many years that practice has very properly been diſcontinued.

Door Locked. When a queſtion of great importance is about to be agitated, and which, from its nature, requires the utmoſt ſecrecy, it has not been unuſual to order the doors of the houſe to be locked, and the keys laid on the table; that no member may go forth to give information of the ſubject in debate. But the value of this meaſure of precaution is much diminiſhed, by the neceſſity of moving, ſeconding, and debating it as a queſtion, inſtead of making it a ſtanding order. The end of ſecrecy can never be inſured, and that of diſpatch may be fruſtrated.

Motions. Every tranſaction in the houſe is the ſubject of a motion: ſome are made at a time ſtated by previous determination of the houſe, or in conſequence of ſome notice given by a member, and entered in a paper called the "Order of the day;" others ariſe ſpecially out of the buſineſs before the houſe, or a neceſſity for ſome immediate meaſure of regulation, and are made according to the judgment of the members, or, according to eſtabliſhed practice, by the ſpeaker.

Right of Speaking. When the motion has been made, it is read from the chair, and if to be debated, ſeconded; every member has a right to ſpeak, ſubject to the general rules impoſed for the preſervation of order and decorum. The great rule, that no member ſhall ſpeak twice to the ſame queſtion, ought to be enforced by the ſpeaker, without the interpoſition of the houſe demanding order; but it is inevitably broken on many occaſions, under pretence of "informing the houſe of a fact," or of "explaining." It is to allow more ample and frequent diſcuſſion than this order will admit, that a committee of the whole houſe is inſtituted, where every member may ſpeak as often as he pleaſes. If a new motion is made, pending the former motion, as "to adjourn," or by way of "amendment," or for "the previous queſtion," this entitles every member to ſpeak again; the ſtrict obſervance therefore of this rule againſt ſpeaking twice, ſo highly neceſſary to the diſpatch of buſineſs, muſt, after all, very much depend on the good ſenſe and modeſty of the members themſelves, not to obtrude their ſpeeches unneceſſarily. It often happens that, two members riſing nearly at the ſame time, the houſe do not immediately acquieſce in the ſpeaker's deciſion, who was up firſt; and if it were pertinaciouſly contended, it muſt be determined by a queſtion. When a member ſpeaks, he is to ſtand up in his place, uncovered, and to addreſs himſelf to the chair, and not to any

particular member; if he is on the lower ſeat, he muſt have one foot within the floor: a member has, in one or two inſtances, been allowed to ſpeak ſitting, on account of illneſs. If a member ſpeaks beſide the queſtion, it is the duty of the ſpeaker to interrupt him. Every member is entitled to be heard quietly, and without interruption; but if he finds that it is not the inclination of the houſe to hear him, and that by converſation, or any other noiſe, they endeavour to drown his voice, it is the moſt prudent way to ſubmit. If a member uſes diſorderly words, they may, by order of the houſe ſignified through the ſpeaker, be taken down by the clerk, for the purpoſe of making them the ground of an accuſation. A member may ſpeak, and often does, from the gallery; but he muſt have a ſeat, and not ſpeak in the paſſage ways, or from behind the clock.

MEMBERS INTERESTED OR ACCUSED. It is a general rule that no member may be preſent in the houſe when a bill, or any buſineſs concerning himſelf, is debating; but while the bill is only reading or opening, he may. This regulation has been ſtrictly obſerved in caſes of great moment; but in matters of leſs importance, although the private intereſt of the member has been eſſentially concerned, it has been neglected. A member accuſed is not to withdraw, till he knows what will be the ſubſtance of the charge againſt him; and till he has had an opportunity of explaining to the houſe the motives of his conduct. Where the charge ariſes out of a report from a committee, or from an examination of witneſſes in the houſe, the member knows to what points he is to direct his exculpation; and may therefore be heard to them, before any queſtion is moved or ſtated againſt him; and in this caſe he is to ſpeak, and withdraw, before the motion; but where the queſtion itſelf is the charge, as for any breach of the orders of the houſe, or for matter that has ariſen in the debate, there it muſt be moved, the member heard in explanation or exculpation, and then, and not till then, he is to withdraw.

OF READING PAPERS. It has been a common error, and uſed frequently to be mentioned in the houſe of commons, that every member has a right, on his own motion, to inſiſt that any act of parliament, journal, paper, or account, on the table, be read, without the houſe having any power to prevent him. The practice is, that, if any member moves for an act of parliament, a journal, or paper, to be read, which the houſe ſees is really for information, and not for affected delay, and no member objects to it, the ſpeaker directs it to be read, without a queſtion; but if any objection is made, the ſpeaker muſt take the ſenſe of the houſe, by a queſtion, on this difference

of

of opinion, as on every other. Where papers are laid before the houſe, or referred to a committee, for conſideration, every member has a right to have theſe papers read through once at the table, before he can be compelled to give an opinion on them; but afterward they cannot be read without the conſent of the houſe.

Of putting Queſtions. In putting queſtions, the general rule is to decide firſt on that which was firſt moved and ſeconded. It was the ancient practice for the ſpeaker to collect the ſenſe of the houſe from the debate, and thence to form a queſtion on which to take their opinion, but this has been long diſcontinued: at preſent the uſual method is, for the member who moves a queſtion to put it into writing, and deliver it to the ſpeaker; who, when it has been ſeconded, formally propoſes it; the houſe is then ſaid to be in poſſeſſion of it, and it cannot afterwards be withdrawn without leave. The ſpeaker muſt read it as often as deſired by any member; but as it frequently happens that queſtions are moved, upon which the houſe do not wiſh to give any opinion, they avoid it, by moving either "To adjourn," or for the "Order of the day," or for "The previous queſtion," or propoſe ſuch amendments as change its nature, and make it inadmiſſible even by the propoſers. The motion to adjourn muſt, in order to take place of a motion already made and propoſed, be put ſimply, not with the addition "to any particular day;" but "That this houſe do now adjourn." The motion for, "The orders of the day to be read," to entitle it to precedence, muſt be for the orders generally, and not for any particular order; and if this is carried, the orders muſt be read and proceeded on in the courſe in which they ſtand; but even this motion will be ſuperſeded by one of adjournment. If the queſtion is carried "For reading the orders of the day," the original queſtion does not appear on the votes; but if the previous queſtion is moved, the firſt queſtion muſt be ſtated in the votes, in order to introduce and make intelligible the ſecond. The effect of the previous queſtion is only to put off the coming to that queſtion, at that time, and is in theſe words, "That this queſtion be now put." The ſame queſtion may be therefore moved on 'another' day. The queſtion thus deferred ought not, though altered in 'words,' if not eſſentially and ſubſtantially changed in 'matter,' to be again put that day. It is a rule, that in a committee of the whole houſe there can be no previous queſtion; if therefore it is wiſhed to avoid a deciſion, it is uſual to move, "That the chairman do leave the chair," which has the effect of a motion to adjourn, and takes place of every other. The alteration of a queſtion by amendments, till it

bears a ſenſe different from what was intended by the propoſers, is, perhaps, not quite fair, but has been often done.

When a queſtion is complicated, that is, conſiſts of two or more propoſitions, it has been often ſaid, that it is the right of any member to have it divided, in order that he may give his opinion on each propoſition ſeparately; but on the 16th of February, 1770, it was thought neceſſary to take the ſenſe of the houſe on it, and they decided in the negative. Perhaps, when queſtions were formed by the ſpeaker from the debate, and not moved by a member, it was a proper objection to the manner of the ſpeaker's ſtating a queſtion, that it was complicated, and he might be deſired to ſeparate it; but when a queſtion moved, and ſeconded, is propoſed from the chair, however complicated it may be, the only mode of ſeparating it is by moving amendments; and theſe muſt be decided by the houſe on a queſtion; unleſs by "Order," or by "Conſent," of the houſe it is divided.

The right of making a motion for the "Orders of the day" to be read, in the midſt of another proceeding, does not exiſt during a proceeding on one of the orders; it is only to ſuperſede a queſtion on any other matter, not properly the buſineſs of the day.

The rule that the ſame queſtion, which has been once propoſed and rejected, ſhould not be offered again, in the courſe of the ſame ſeſſion, ſhould be adhered to as ſtrictly as poſſible, in order to avoid ſurpriſe and unfair proceeding. It is not however to be ſo ſtrictly and verbally obſerved, as to ſtop the proceedings of the houſe; it is rather to be kept in ſubſtance than in words; and the good ſenſe of the houſe muſt decide, on every queſtion, how far it comes within the meaning of the rule. It clearly does not extend to prevent putting the ſame queſtion in the different ſtages of a bill; nor to prevent the diſcharging of orders, though they have been made on great deliberation; but it has been always underſtood to exclude contradictory matters from being enacted in the ſame ſeſſion. In the report of an addreſs to the king, the houſe is not confined to diſcuſs only how the committee have exerciſed their power in framing it, but may diſcuſs the whole ſubject matter. With reſpect to bills, it is clear, that wherever any clauſe or words are in a bill, though they ſhould have been inſerted, as an amendment, by the houſe, yet in any other ſubſequent ſtage the ſenſe of the houſe may be again taken on thoſe words, and they may be left out; becauſe every ſtage of a bill ſubmits the whole and every part of it to the opinion of the houſe; and this being a known order there can be no ſurpriſe. In modern times it has become uſual in ſome acts, ſuch as thoſe of ſup-

ply,

ply, and military regulation, to infert a clauſe, that they may be repealed, altered, or amended, in the courſe of the ſame ſeſſion.

Division of the House. When the debate on any motion is concluded, the ſpeaker puts the queſtion, requiring thoſe who are of opinion that it ſhould be carried to ſay "Aye," thoſe of a contrary opinion to ſay "No;" and he then affirms, according to his judgment, that "the *Ayes*, or the *Noes*, have it." If a member on the ſide oppoſite to that in favour of which the ſpeaker decides, is deſirous to aſcertain the numbers, the cuſtom is, for him to contradict the deciſion of the chair, and claim a diviſion. And this may be done at any time, until ſome member who was abſent, comes into the houſe, but after that it is too late.

The ceremony of dividing involves in it many more nice caſes and accurate diſtinctions, than could be conceived to appertain to ſuch a ſubject, except by thoſe who have habituated their minds to a conſideration of the numerous refinements on queſtions of right, which are ever introduced, where many perſons contend for victory, and all are perfectly free and equal. It would be tediouſly minute to enumerate in this work all the regulations to which thoſe refinements have given birth; it will ſuffice to exhibit a general outline of the courſe adopted, and the more material rules.

The manner of dividing the houſe is for one ſide to go out, and the other to remain in; but who ſhall go out is a ſubject of many regulations and diſtinctions; it does not depend on the negative, or affirmative, of the queſtion propounded from the chair, but is limited by a general rule: "That thoſe who "give their votes for the preſervation of the orders of the houſe, "ſhould ſtay in; and thoſe who give their votes otherwiſe, to "the introducing of any new matter, or any alteration, ſhould "go out." This rule, as may be ſuppoſed, requires a ſeparate deciſion on almoſt every ſpecies of caſe that occurs, and upon every ſeparate mode of proceeding adopted,

Before a diviſion, either of the houſe, or a committee of the whole houſe; indeed, before the queſtion is put, upon which it is probable there may be a diviſion, the ſpeaker, or chairman, ſhould take care that all ſtrangers are withdrawn, as the only method of preventing members from coming in, and being told in the diviſion, though not preſent at putting the queſtion. All members who were in the houſe when the queſtion was put muſt be told on one ſide or the other, and cannot be ſuffered to withdraw; if they have retired only to Solomon's porch, or the ſpeaker's room, they are conſidered as part of the houſe, (there being no avenue to them but through the houſe,)

and, if any member inſiſt upon it, they muſt return and muſt be counted: if they were in either of theſe places when the queſtion was put, and conſequently did not hear it, they have a right to have it read, and to vote for either ſide, even though the door ſhould be ſhut; but if from inattention, or any other circumſtance, they have neglected to go forth till after the door is ſhut, then they muſt be told with thoſe who remain in the houſe, though entirely contrary to their avowed inclination. It is the duty of the tellers to direct the ſhutting of the doors. Whilſt the tellers are performing their duty, members ſhould be ſilent; for if one of them thinks there is a miſtake, or if they are not all agreed, they muſt begin and tell again. No member muſt remove from his place, when they have begun telling; nor can any member be told but ſitting in a ſeat, and not on the ſteps of any of the paſſages. When they have told the members in the houſe, and are all agreed, they ſhould deliver in the number at the table, to the clerk, that there may be afterwards no diſpute. If any difficulty ariſes in point of order during the diviſion, the ſpeaker muſt take upon himſelf to decide it, 'peremptorily;' for, as to decide it by the houſe would occaſion a diviſion upon a diviſion, there is no other mode but to ſubmit implicitly to his determination, ſubject however to future cenſure, if irregular or partial. In order to form a determination in ſuch caſes, though there can regularly be no debate, it has frequently happened that old and experienced members have, by permiſſion of the ſpeaker, aſſiſted him with their advice, ſitting on their ſeats, and ſpeaking with their hats on, to avoid even the appearance of a debate; but even this cannot be done but by the ſpeaker's leave; for if it could, the diviſion might laſt ſeveral hours.

Tellers. On diviſions, the ſpeaker appoints two tellers for each ſide, ſelected from thoſe who vote on the affirmative and the negative. It has ſometimes happened, that when a diviſion has been demanded, it has been found that there is but one member on one ſide of the queſtion, and conſequently not enough to appoint two tellers. Such a circumſtance is not creditable to the individual who ſtands in ſuch a ſituation, as it proves that he has ſought a diviſion for the ſake of interrupting the proceedings of the houſe, and occaſioning inconvenience and unneceſſary delay. When this caſe occurs, the diviſion cannot go on, but the ſpeaker declares on the other ſide. If there are two tellers, the diviſion muſt proceed, and be reported, though on one ſide the return of numbers ſhould be none. If any difficulty ariſes on telling in the members, or the tellers ſhould diſagree in their numbers, it does not appear how this could be decided but by another diviſion; as was done where a ſtranger was told

told in as a member. When the tellers are agreed, the uſual manner of reporting the numbers is, for thoſe tellers who have told on the part of the majority to take the right hand on coming up to the table, and they all make three obeyſances to the chair, as they proceed from the bar. But if the numbers are equal, the tellers are mixed alternately.

SUPPLY. Without entering at large into a hiſtory of the manner in which ſupplies for the uſe of the crown, or ſupport of government, were raiſed in old times, it may be ſufficient to obſerve, that it is the ancient, indiſputable privilege and right of the commons, that all grants of ſubſidies, or parliamentary aids, begin in their houſe, and are firſt beſtowed by them; although their grants are not effectual to all intents and purpoſes, until they have the aſſent of the other two branches of the legiſlature. The general reaſon given for this excluſive privilege of the houſe of commons is, that the ſupplies are raiſed on the body of the people, and therefore it is proper that they alone ſhould have the right of taxing themſelves. This reaſon would be unanſwerable, if the burthens impoſed by the commons reſted on themſelves alone; but the property of the lords is equally taxed, and therefore this cannot be the reaſon why the commons alone ſhould raiſe and model the ſupply. The true cauſe ariſing from the ſpirit of our conſtitution, ſeems to be this: The lords, being a permanent hereditary body, created at pleaſure by the king, are ſuppoſed more liable to the permanent influence of the crown than the commons, who are a temporary elective body, freely nominated by the people; and therefore it is ſufficient that the lords have a power of rejecting the grants of the commons, if laviſh or improvident.

The houſe of commons have, with great wiſdom, impoſed rules and reſtrictions on themſelves, in the exerciſe of that great and moſt important privilege, "The ſole and excluſive "right of granting aids and ſupplies to the crown;" that they may not, by ſudden and haſty votes, incur expences, or be induced to approve of meaſures, which might entail heavy and laſting burthens on themſelves and poſterity. On this principle, in the year 1667, the houſe eſtabliſhed a rule, that a motion made for any public aid or charge on the people ought not immediately to be taken into conſideration and debated, but adjourned to a further day, and referred to a committee of the whole houſe, whoſe opinion ſhould be reported before any reſolution or vote ſhould paſs thereon. This regulation inſures ſufficient notice, and prevents members from being ſurpriſed into a vote, by allowing them time to be prepared with every argument which the queſtion may demand,

In a committee of the whole houſe, every member may ſpeak as often as he finds it neceſſary; and is not confined, by the rules obſerved in ſpeaking in the houſe, which, in matters of account and computation, would be inconvenient, and tend to the ſuppreſſion of much real and uſeful information. This mode of proceeding likewiſe gives an opportunity of a further and more mature deliberation, when the reſolutions of the committee are reported; the houſe may then agree or diſagree, or recommit the whole, or any part of the report, for the purpoſe of receiving more accurate information, or more narrowly inquiring into the nature and expediency of the meaſure propoſed. This excellent rule is ſeldom deviated from, except when the houſe addreſs the crown to advance money for any particular purpoſe, and give aſſurances that the expences ſo incurred ſhall be repaid out of the grants of next ſeſſion. This practice has indeed been generally confined to ſmall ſums, and to ſervices the amount of which cannot at the moment be exactly aſcertained; it has alſo been uſed, for the moſt part, at the end of the ſeſſion, when the committee of ſupply is cloſed, and when the ſum required has not been thought of ſufficient magnitude, to adopt the form of opening it again.

It is conſidered irregular for the houſe, when the ſpeaker has reſumed the chair, to make an amendment, augmenting a tax, or impoſing a penalty; but if ſuch a meaſure is deemed neceſſary, it is uſual to recommit the bill. It is alſo a ſtanding order, that no bill be ordered to be brought in for any work propoſed to be carried on by tolls, or duties, to be levied on the ſubjects in particular places, till the petition in its favour has been referred to a committee, and they have examined the matter and reported it to the houſe. This previous examination however is neceſſarily very ſlight and imperfect, the parties examined not being on oath, and the promoters of the bill not confronted by thoſe who may be inclined to oppoſe it. Parliament has however cautiouſly guarded the rights of the ſubject from being invaded by bills for tolls, and ſimilar modes of impoſition, by directing that notices ſhall be given before the bringing in of bills of certain deſcriptions, and by affording ample time in the courſe of their proceedings, for preſenting petitions.

So reaſonably jealous are the commons of the valuable privilege of ſolely granting ſupplies, that they will not ſuffer the houſe of lords to exert any power but that of rejecting; they will not permit the leaſt alteration or amendment in the mode of taxing the people by a money bill. Under this appellation are included all bills, by which money is directed to be raiſed on the ſubject, for any purpoſe, or in any ſhape; either for the

the exigencies of government, and collected from the kingdom in general, as the land tax; or for local benefit, and collected in any particular diſtrict, as by turnpikes, or pariſh rates. From the earlieſt periods of hiſtory this jealouſy has ſubſiſted. In whatever mode the lords have attempted to invade this right, the commons have vigorouſly reſiſted; and they have aſſerted and maintained their claim, through ſuch a long and various courſe of precedents, that the lords have now long deſiſted from beginning any bill, or making amendments to bills paſſed by the commons, which, in the form of poſitive taxes, pecuniary penalties, or in any other ſhape, might impoſe burthens on the people. It muſt be admitted, that the commons did not always inſiſt, with the ſame preciſion and exactneſs as they have of late years, upon this privilege. In many inſtances, particularly before the revolution, the lords made, and the commons agreed in, amendments to ſuch bills; but they ſoon found that, under pretence of amendments, the lords inſerted matter which had the appearance of trenching upon the privileges of the commons: ſo that, after ſeveral diſcuſſions and conferences, they found themſelves obliged to extend the rule, and reſolve, "That, in all aids given to the king by the commons, the rate or tax ought not to be altered by the lords." On the ſame principle, the commons have objected to any alterations made by the lords, in the application or diſtribution of pecuniary penalties impoſed by the commons; but it does not appear, that this objection has been extended by the commons to inſtances in which the lords, by diſagreeing to clauſes, or making other alterations in the bill as ſent from the lower houſe, have withdrawn from the penalty the objects upon whom it was meant to attach.

The following propoſitions contain nearly every thing which has been claimed by the commons on this ſubject:

1ſt. That in bills of aid and ſupply, as the lords cannot begin them, ſo they cannot make any alterations either as to the quantum of the rate, or the diſpoſition of it; or, indeed any amendment whatſoever, except in correcting verbal or literal miſtakes: and even theſe the houſe of commons direct to be entered ſpecially in their journals, that the nature of the amendments may appear; and that no arguments prejudicial to their privileges may be drawn from their having agreed to ſuch amendments.

2dly. That in bills which are not the ſpecial grant of ſupply, but which however impoſe pecuniary burthens on the people, ſuch as bills for turnpike roads, for navigations, for paving, for managing the poor, &c. for which purpoſes, tolls and rates muſt be collected; in theſe, though the lords may make amend-

amendments, they muſt not alter the quantum of the toll or rate, the diſpoſition or duration of it, or the perſons, commiſſioners, or collectors, appointed to manage it. In all the other parts and clauſes of theſe bills, not relative to any of theſe matters, the commons have not objected to the lords making alterations or amendments.

3dly. Where the bills, or the amendments made by the lords, appear to be of a nature which, though not immediately, yet in their conſequences will bring a charge upon the people, the commons have denied the right of the lords to make ſuch amendments; and the lords have acquieſced.

And laſtly, the commons aſſert, that the lords have no right to inſert in a bill pecuniary penalties or forfeitures; or to alter the application or diſtribution of the pecuniary penalties or forfeitures which have been inſerted by the commons.

Theſe rules, with reſpect to the paſſing or amending of bills, are clear, diſtinct, and eaſily underſtood and applied.

Committees of the whole houſe are appointed at the commencement of every ſeſſion. The one, for conſidering of the quantum of ſupply to be granted for the purpoſes of the ſtate; the other, to find out ways and means for raiſing that ſupply.

The *Committee of Supply* is to conſider of a grant, made to his majeſty by a former vote or determination of the houſe. As it takes its origin from the aids which are demanded by the crown, it can properly have cognizance only of matters laid before the houſe, by direction of the crown, for the public ſervice; and therefore, if it is thought expedient to vote in the committee of ſupply ſums which are not intended for the ſervice of the army, navy, ordnance, or any other aid, demanded by the crown, the houſe muſt vote a particular inſtruction, before they can take the matter into conſideration. And the houſe have reſtrained the nature of grants to be demanded by this committee by a ſtanding order, "That they will receive "no petition for any ſum of money relating to public ſervice, "but what is recommended from the crown."

The *Committee of Ways and Means* is formed to find out modes of raiſing the ſums which the houſe, on reſolutions reported from the committee of ſupply, and agreed to, have granted to his majeſty: and their firſt conſideration is, that the money propoſed to be raiſed by loans or taxes, or in any other mode, ſhould not exceed that granted in the committee of ſupply. It is therefore incumbent on the chancellor of the exchequer, or the member who propoſes the ways and means, to explain and ſhew to the houſe, by a detail, that the ſums voted are ſufficient to juſtify the committee of ways and means in impoſing ſuch taxes then recommended.

When

When the committees of ſupply and ways and means are cloſed, the houſe of commons paſs a bill, in which the ſeveral grants, made in the committee of ways and means, by land-tax, malt-tax, long finking-fund, &c. are recapitulated, and directed to be applied to the ſervices voted in that ſeſſion in the committee of ſupply; ſpecifying the particular ſums granted for each ſervice, appropriating accordingly the money which ſhall be paid into the exchequer, and directing that the ſupplies ſhall not be devoted to any other purpoſes. The ſums voted for the different heads, on account of the army, ordnance, militia, foreign ſubſidies, &c. are, in the bill of appropriation, ſeparately and ſpecifically applied to thoſe ſervices. But with reſpect to the navy, the practice has been different. In this ſervice all the different grants on the head of wages, victualling, ordnance, ordinary and extraordinary, are, in the appropriating bill, added together, and the whole ſum appropriated generally for the naval ſervice. This diſtinction has ariſen from neceſſity, the nature of the ſea ſervice, and the acknowledged impoſſibility of confining the expenditure of ſums granted, to ſpecific ſervices. The long abſence of ſhips in different quarters of the globe; the uncertainty of their return; the difficulty of aſcertaining the time in which any ſhip will be completely finiſhed or repaired for ſea; with many other circumſtances, render it almoſt impoſſible to obſerve in this, as in the other ſervices, that rule which, whenever it is poſſible, ought moſt ſtrictly to be adhered to. The houſe of commons, aware of theſe circumſtances, do not appropriate the ſums voted for the navy ſpecially, but generally: but the expenditure is ſubject to future inquiry and examination in the houſe.

Notwithſtanding every precaution which can be taken to confine the expences of the different ſervices within theſe ſums voted, experience ſhews it to be impoſſible; in all the different ſervices, the navy, the army, and the ordnance, there has always been an exceeding, or debt contracted, which has been brought before parliament in a ſubſequent ſeſſion, under the title of navy debt, or of extraordinaries, incurred and not provided for. Formerly theſe exceedings were moderate, as appears from the accounts during the war of the ſucceſſion; and that which terminated in 1748: in 1758 they firſt became very large; but in the American war, the ſums demanded, as extraordinaries of the army incurred and not provided for, fell not far ſhort of the whole ſums voted by parliament on the eſtimate for that ſervice; nay, in the year 1782 they appear to have exceeded them.

In the ſtruggles which were formerly maintained between the different branches of government for aſcendancy, the com-

commons, availing themſelves of their own power over the national purſe, were in the habit of *tacking*, as it was called, to a bill of ſupply, ſome other independent meaſure or proviſion, with an intention of thus obtaining the aſſent of the crown, or the lords, to that which they would otherwiſe probably reject. Againſt this unparliamentary and unfair practice, the lords, in 1699, remonſtrated with great weight: "The "joining together in a money-bill things ſo totally foreign to "the methods of raiſing money, and to the quantity or qualifi-"cation of the ſums to be raiſed, is wholly deſtructive of the "freedom of debates, dangerous to the privileges of the lords, "and prerogative of the crown. For, by this means, things of "the laſt ill conſequence to the nation may be brought into "money-bills; and yet neither the lords nor the crown be able "to give their negative without hazarding the public peace and "ſecurity." In 1702 they paſſed a formal reſolution, and ordered it to be added to their roll of ſtanding orders, "That the "annexing any clauſe or clauſes to a bill of aid or ſupply, the "matter of which is foreign to, and different from, the mat-"ter of the ſaid bill of aid or ſupply, is unparliament-"ary, and tends to the deſtruction of the conſtitution of "this government." However deſirable the end may be that is at any time aimed at by this meaſure, the means are always bad; it is much ſafer to truſt to time and circumſtances, which ſooner or later diſpoſe the minds of men to accept and approve of propoſitions really tending to the public good, than to obtain even the beſt of laws, by breaking down thoſe bounds and fences which the wiſdom of paſt ages has ſet up; and to let in diſorder and confuſion, which may finally prove fatal to the ſecurity, perhaps the exiſtence, of the conſtitution *.

It

* On this ſubject it would be an injuſtice to the reader to withhold the ſentiments of the Lord Chancellor Finch, delivered in a ſpeech to both houſes, on the 23d May, 1678; "The late way of tacking together ſeveral independent and incoherent mat-"ters in one bill, ſeems to alter the whole frame and conſtitution of parliaments, "and conſequently of the government itſelf. It takes away the king's negative "voice in a manner, and forces him to take all or none; when ſometimes one part "of the bill may be as dangerous for the kingdom, as the other is neceſſary. It "takes away the negative voice of the houſe of peers too, by the ſame conſequence, "and diſinherits the lords of that honour they were born to, the liberty of debating "and judging what is good for the kingdom. It looks like a kind of defamation "of the government; and ſeems to ſuppoſe the king and the houſe of lords to be ſo "ill-affected to the public, that a good bill cannot carry itſelf through by the ſtrength "of its own reaſon and juſtice, unleſs it be helped forward by being tacked to ano-"ther bill that will be favoured. It does at laſt give up the greateſt ſhare of legiſ-"lature to the commons, and, by conſequence, the chief power of judging what "laws are beſt for the kingdom! And yet it is a privilege that may be made uſe of "againſt the commons, as well as by them; for, if this method hold, what can hin-"der the lords, at one time or other, from taking advantage of a bill very grateful "to the commons, and much deſired by them, to tack a new clauſe to it of ſome "foreign matter, which ſhall not be altogether ſo grateful nor ſo much deſired? and

"then

It is a general rule, eſtabliſhed ſoon after the Revolution, that the houſe will not receive any petition "againſt a bill, then "depending, for impoſing a tax or duty." The principle, upon which this rule was adopted, appears to be this: that a tax, extending in its effect over every part of the kingdom, and more or leſs affecting every individual, and, in its nature neceſſarily and intentionally impoſing a burthen upon the people, it can anſwer no purpoſe for any ſet of petitioners to ſtate theſe conſequences as a grievance. The houſe of commons, before they come to a reſolution which impoſes a tax, cannot but know that it may very ſenſibly affect the commerce or manufacture upon which it is laid; but they cannot permit the inconvenience that may poſſibly be brought upon a particular branch of trade to weigh, when put in the balance with thoſe advantages which are intended to reſult to the whole, and which the public neceſſities demand from them. For theſe reaſons it has been thought better and more candid, at once to refuſe receiving petitions, than by a momentary countenance to miſlead the petitioners into an opinion, that they can prevail on the houſe of commons to change their intended proceeding. This rule does not, however, preclude petitions from the corporation of the city of London: as the forms of the houſe are different from thoſe uſually adopted. The contents of a petition from the corporation of London are not opened by a member, as is required in every other caſe; but the petition is brought to the bar by the ſheriffs, and without a queſtion delivered to the clerk, who brings it to the table; and, when the ſheriffs are withdrawn, the ſpeaker puts the queſtion; it is read; and then, the houſe becoming acquainted with the contents, diſpoſe of it as they think proper. The practice of refuſing to receive petitions has been confined to ſuch only as object againſt a tax, which the houſe of commons is impoſing for the current ſervice of the year; and has never been applied to petitions, offered in a ſubſequent ſeſſion, deſiring a repeal or reconſideration of the taxes impoſed.

Bills of ſupply, to be preſented by the ſpeaker to the throne, are not returned from the lords by the maſters in chancery; the clerk of that houſe delivers them privately to one of the clerks of the lower houſe; and if there is any doubt which are, or are not, bills proper for the ſpeaker to preſent, the clerk of the houſe of lords, in delivering a liſt of thoſe ready for the

"then the commons muſt take all or none too. Thus every good bill ſhall be dearly "bought at laſt; and one chief end of calling parliaments, the making of good laws, "ſhall be wholly fruſtrated, by departing from that method which the wiſdom of "our anceſtors preſcribed, on purpoſe to prevent and exclude ſuch inconveniences. "Theſe innovations the king reſolves to aboliſh; and hath commanded me to ſay to "you, *State ſuper vias antiquas.*"

royal

royal aſſent, deſires that the ſpeaker would mark in it the bills of ſupply; and thoſe are immediately ſent down to the commons. When the king is preſent on the throne, it has been cuſtomary, on preſenting any bill for the particular ſervice of the crown in the courſe of the ſeſſion, for the ſpeaker to make a ſpeech at the bar of the houſe of lords, either immediately ariſing out of the ſubject matter of the bill itſelf; or, in preſenting the bills of ſupply at the cloſe of the ſeſſion, to recapitulate the principal objects which have employed the attention of the commons during their ſitting. Theſe latter ſpeeches, as the parliament is immediately prorogued, cannot appear in the journals of the houſe of commons; but the ſubſtance of them is entered in thoſe of the lords. Thoſe made by the ſpeaker in the courſe of a ſeſſion are ſometimes deſired to be printed.

Bills. Anciently, the manner of proceeding in bills was much different from what it is at this day; for, formerly, the bill was in nature of a petition; theſe were entered on the lords' rolls, with the royal aſſent; and on this, as a ground work, the judges uſed, at the end of the parliament, to draw up the act in the form of the ſtatute, which was afterwards entered on the *ſtatute rolls;* which were different from the *lords' rolls*, or *the rolls of parliament.* Upon theſe *ſtatute rolls*, neither the bill, nor petition from the commons, nor the anſwer of the lords, nor the royal aſſent, was entered, but only the ſtatute, as it was drawn up and penned by the judges; and this was the method till about Henry the Fifth's time; when it was deſired, that the acts of parliament might be drawn up and penned by the judges before the end of parliament; and this was by reaſon of a complaint then made, that the ſtatutes were not equally and fairly worded. After the parliament was diſſolved or prorogued, in Henry the Sixth's time, the former method was altered, and bills containing the form as well as the ſubſtance of the act of parliament, were firſt brought into the houſe; the ancient form of a petition being diſcontinued; upon which bills was written by the commons, *Soit baillé aulx ſeigneurs;* and by the lords. *Soit baillé al roi;* and by the king, *Le roi le veut:* all this was written upon the bill; which, when thus indorſed, was to remain with the clerk of the parliament, who was to enter it according to its tenor on the ſtatute rolls, but without the anſwer of the king, lords, or commons. Then iſſued writs to the ſheriffs, with tranſcripts of the ſtatute rolls, commanding them to proclaim the ſtatute.

With reſpect to bills in general, the following regulations now prevail: Every act of parliament ſhall have the aſſent of the lords and commons, and of the king. A bill may be introduced by any member; but it muſt be after an order of the houſe, on motion, directing him to prepare and bring it in;

and ſometimes a committee is ordered for that purpoſe. A bill is read three times before it paſſes. After the firſt reading, it is delivered, with a brief of it, to the ſpeaker, who having read the title, reports the ſubſtance of the bill to the houſe. When it is read, and the effect thus reported, it may be oppoſed by any member, and debated, or rejected on any of the readings; but the uſual courſe is upon the ſecond reading. After the ſecond reading it is referred to a committee, which is ſometimes one of the whole houſe; but if there be no objection on the ſecond reading, nor any blank, it is engroſſed without a commitment: otherwiſe it is not engroſſed till it has paſſed the committee, and is reported to the houſe. A bill, tranſmitted from one houſe to another, is not ordered to be again engroſſed; becauſe it comes in parchment from the other houſe. After the third reading of a bill by the clerk, and the effect of it reported by the ſpeaker, if no objection is made, the ſpeaker propoſes the queſtion, whether it ſhall be paſſed? When a bill is paſſed by the commons, the clerk within the bill, at the top on the right hand, writes *ſoit baillé aux ſeigneurs*, and it is tranſmitted to the lords by ſome of the commons. When a bill is preſented by the commons to the other houſe, the chancellor puts a queſtion, that a meſſenger from the commons be admitted; and then riſing and carrying the bag, and being attended by the mace, receives it at the bar. If a bill be firſt paſſed by the lords, it is indorſed, *ſoit baillé aux commons*, and tranſmitted to them by two of the aſſiſtants in the houſe of peers. Theſe, on being admitted into the lower houſe, after three congees at the table, ſtate that the lords have paſſed ſuch a bill, and read the title. Though a bill be tranſmitted to the lords, yet it remains the bill of the commons; and if the lords make an amendment by the omiſſion, change, or addition of any words, it ought to be written on paper, not on parchment, with a reference to the line where it ought to be made. And then the lords ſubſcribe the bill with theſe words, *a ceſty bill avecſque les amendements a meſme le bill anexe les ſeigneurs ſont aſſentus*. Clauſes are ſometimes added in the houſe where the bill originates, and are called riders. Diſagreement between the two houſes on theſe points occaſions conferences, the nature and form of which have already been explained.

Acts are either general or ſpecial, public or private.

A *general* or *public* act is an univerſal rule that regards the whole community; under this head are claſſed, not only thoſe laws which inforce univerſal regulations, and confer equal benefits, but ſome which abſtractedly appear to have a more reſtrained application. For example, acts which concern the king, the queen, or the prince; the body of nobility, as the

ſtatute

ſtatute *de ſcandalis magnatum*; or the whole ſpirituality; or all officers; or all perſons holding ſome particular office, as ſheriff; or trade in general, or ſome trade in particular, as ſhoemakers; or all perſons in a particular manner, as appeals or aſſizes; or a particular ſituation, as woods, foreſts, chaſes. All public acts the courts of law are bound to take notice of judicially and *ex officio*; without the ſtatute being particularly pleaded, or formally ſet forth by the party who claims advantage under it.

Special or *private* acts are rather exceptions than rules, operating only on particular perſons, and private concerns, ſuch as thoſe for the internal regulation of ſome diſtrict, county, city, town, or pariſh; or for building a bridge, making a road, or incloſing a common; or for the peculiar benefit of ſome individual or family, as naturalizing a foreigner, legitimating a baſtard, enabling truſtees to ſell eſtates; and a vaſt variety of other diſcriminations to which the daily occaſions of bodies and of individuals give birth. Of theſe (which are not promulgated with the ſame notoriety as the former) the judges are not bound to take notice, unleſs they be formally ſhewn and pleaded; but as ſome acts, though private, as being promoted through the petition, and at the expence of individuals, are public, inaſmuch as perſons may be intereſted in their operation without the concurrence of the original promoters, as in thoſe for regulating pariſhes, &c. it is uſual in ſuch acts to inſert a clauſe that they ſhall be deemed and conſidered as public acts, and taken notice of as ſuch, without being ſpecially pleaded.

To prevent ſurpriſe in the bringing in of private bills, the legiſlature has adopted ſeveral excellent regulations, ſome of which have already been noticed. Many which affect large communities, as highways and incloſures, cannot be brought forward without a preſcribed notice to thoſe whoſe intereſts are concerned. They are introduced to the houſe, either by petition of the parties promoting them, or by permiſſion, on the motion of ſome member. But, to protect the houſe againſt a delay of public buſineſs, it is uſual, early in every ſeſſion, to fix ſome day as the lateſt on which petitions for private bills can be received. Between the firſt and ſecond reading of the bill, three days muſt elapſe; after the ſecond reading it is referred to a committee, which muſt be compoſed of eight members at leaſt, and which cannot ſit till a week's notice has been given, by a paper ſtuck up in the lobby. In theſe intervals, the parties, (if any,) who are diſſatisfied with the bill, may preſent petitions againſt it. If their hoſtility is to the principle or the whole of the bill, they ſhould pray to be heard againſt it by counſel at the bar, before the ſecond reading, though the houſe has ſometimes been known to grant this indulgence

dulgence on bringing up the report of the committee, or on the third reading. If they are not adverſe to the principle of the bill, but object to certain clauſes, they pray to be heard againſt it by themſelves, their counſel, or agents, and their petition, together with the bill, is referred to the committee.

The committee examine into the proof of the allegations in the preamble, and of ſuch other points as they judge neceſſary, hear counſel, reform, alter, ſuppreſs, or augment the clauſes, fill up the blanks with numbers, ſums, dates and names; and, by their chairman, report the bill to the houſe, where it is read a third time, paſſed, and forwarded to the lords. In the upper houſe nearly the ſame proceedings are to be gone through, with this additional circumſtance, that evidence is upon oath, and that alteration in a clauſe relating to the raiſing of money, the infliction of a penalty, or the name of a perſon (except ſetting right a title, or amending orthography) is fatal to the bill.

Record of Acts. After the royal aſſent is given, the clerk of the parliament tranſcribes every public act into a roll, and ſubſcribes, *le roi le veut*. So, he tranſcribes every private act, and at the beginning ſays, *In parliamento incohato, et tento, &c. inter alia, inactitatum, ordinatum, et ſtabilitatum fuit ſequens hoc ſtatutum, ad verbum, ut ſequitur, viz.* Then at the end adds, *Ego, A. B. clericus parliamenti, virtute brevis ſupra dicti domini noſtri regis, de certiorando mihi directi et hiis annexati, certifico ſuperius hoc ſcriptum verum eſſe tenorem acti parliamenti ſupradicti in eo brevi expreſſi. In cujus rei teſtimonium, &c.*

Public acts, after inrolment, are delivered into chancery, and this is the original record. But private acts are not inrolled, without the ſuit of the party; and therefore the original bill, filed among the bills of parliament, and marked with the great ſeal, as the courſe is, is the original record of it.

Publication. Before the invention of printing, the uſage was, after the concluſion of a parliament, to tranſcribe all the acts in parliament; and by a writ to every ſheriff of the kingdom, command, *quod ſtatuta illa, et omnes articulos in eiſdem contentos in ſingulis locis in balliva ſua tam infra libertates quam extra, ubi expedire viderit, publice proclamari et firmiter teneri faceret.* And this writ was ſometimes in Latin, ſometimes in French. The ſheriff, thereupon, proclaimed them in his county court, where a tranſcript was preſerved, that every one might read, or take a copy of it; but proclamation by the ſheriff is not neceſſary; for every one ought to take notice of every thing done in parliament; and ſince printing has been uſed, the proclamation has ceaſed.

Time of Operation. It has been a common practice in

bills, even of importance, to enact, that the time, when its operation ſhall commence, ſhall be, "from and after the paſſ-"ing of the act." This period, in common acceptation, has been generally underſtood to mean the time and date when it receives the royal aſſent. There have, however, been doubts on this conſtruction, becauſe it has been held, that, where no ſpecific day is mentioned, the royal aſſent has always a reference to the firſt day of the ſeſſion; and that therefore, by this fiction of law, the operation of a bill might be made to take effect before the intended period; by which anticipation, perſons might incur penalties, enacted by an *ex poſt facto* law; and to which they were not intended by the legiſlature to be made ſubject. And the courts of law having been ſeveral times obliged to give judgment according to this conſtruction, attended with great hardſhip and apparent injuſtice to the parties, the legiſlature, in the ſeſſion of 1793, made a ſtatute, declaring, "that where it is ſaid, the act ſhall "be in force, from and after the paſſing of the act—this ſhall "be, from the day on which it ſhall receive the royal aſſent." And to render this certain, the day is printed in the firſt page, immediately under the title.

COMMITTEES. Committees have been incidentally mentioned, in recapitulating the forms of proceedings. At the beginning of the ſeſſion, after the reading of the firſt bill, it is the principle care of the commons to appoint general committees for religion, grievances, juſtice, trade, privileges, and elections. They ſit in rooms appointed for that purpoſe; and elect one of their own body to be chairman, who, like the ſpeaker in the houſe, has a caſting vote. In committees of the whole houſe for ſupplies, and ways and means, one member is appointed chairman, and is remunerated for his extraordinary trouble, by a vote of the houſe at or near the cloſe of the ſeſſion. The chairman, or any other perſon appointed by the committee, reports to the houſe, either during the progreſs, or at the cloſe of the inquiry. A committee is frequently appointed for other purpoſes; as, for inſpection of the journals of another ſeſſion, or thoſe of the peers; after its appointment, the houſe may give any particular inſtruction to it, or a matter referred to one committee may be afterwards transferred to another. If a witneſs refuſe to attend the houſe, or a committee, he ſhall be ſummoned by order of the ſpeaker or chairman to attend; but no witneſs pays any thing for being ſummoned whether to the houſe, or a committee; nor ſhall he be arreſted on his coming to or departure from the committee; and if he be, the houſe, on motion, will diſcharge him. An officer may be ſummoned to attend with the public books of a corporation,

&c. and if any one, directly or indirectly, attempts to prevent a witness from appearing, or giving teſtimony, or tampers with him, in reſpect of the evidence to be given, it is a miſdemeanour, and the houſe will proceed againſt him with ſeverity; ſo, if a witneſs gives falſe teſtimony to the houſe, or a committee. A committee for juſtice may ſummon any judges, and examine them in perſon, upon complaint of any miſdemeanor in their office. Committees cannot continue ſitting after the houſe is aſſembled; and if adjourned, none can ſit till they are revived.

JUDICIAL AUTHORITY. The journal of the houſe of lords is a record; how far that of the lower houſe is ſo, ſeems to be matter of doubt; it is clearly ſettled, that every ſubject of the realm may reſort to the journals of the peers for information; but ſhould the houſe of commons diſcontinue the publication of their votes, which is now ordered only annually, it is not certain that even the lords would have a right of inſpecting the original journal. Yet the better opinion ſeems to be, that the houſe of commons is a court of record; an opinion which the great luminary of the law, ſir Edward Coke, expreſſed with more than common warmth in 1621, when he ſaid, "He "wiſhed that his tongue may cleave to the roof of his mouth, "that ſaith, that this houſe is no court of record; and he that "ſaith that this houſe hath no power of judicature, underſtands "not himſelf: for though we have not ſuch power in all "things, yet we have power of judicature in ſome things; and "therefore it is a court of record." And afterwards, "That "he knoweth this is a court of record, or elſe all the power "and liberty of this houſe were overthrown." There was indeed once an order that the journals ſhould be reviſed, and recorded on rolls of parchment, but it does not appear to have been carried into execution. Independently of powers granted by acts of parliament for particular purpoſes, it is evident from ancient practice, that the houſe can exact bail, but they cannot, as a houſe or court, nor can any of their committees, unleſs expreſsly authorized by ſtatute, adminiſter an oath. To conquer this difficulty, a clumſy expedient has been reſorted to, that of ordering ſuch members of committees as were juſtices of the peace for Middleſex, to examine delinquents or witneſſes.

The houſe of commons has, however, and always had, the undoubted power of inveſtigating, and puniſhing all matters relating to themſelves, or their privileges, of taking perſons againſt whom complaints are made into cuſtody, examining witneſſes, compelling the attendance of parties, and the production of books, papers, and other matters of evidence, diſ-

charging, reprimanding, or impriſoning offenders, or directing proceedings at law, to be inſtituted againſt them by the attorney-general.

Form of bringing Parties to the Bar. In calling in witneſſes and delinquents, many ceremonies are obſerved: the bar is down, and generally the ſerjeant ſtands near the party with the mace. When a witneſs, not in cuſtody, or in cuſtody without the mace ſtanding by him, is at the bar to be examined, the ſpeaker is to aſk him all the neceſſary queſtions; and theſe may be propoſed while he is ſtanding at the bar; the rule is for the members to forward them to the chair; and the ſpeaker to put them to the witneſs; but the practice, for the ſake of convenience, often is, that the members themſelves examine the witneſs without the intervention of the chair; a practice which, though generally convenient, ſometimes produces diſorder. When the mace is off the table, no member can ſpeak, not even to ſuggeſt queſtions to the chair. This matter has been much debated, but although attended with great inconvenience, ſuch is the allowed law of the houſe, and the members have complied by putting down upon paper ſuch queſtions as they thought neceſſary to be aſked, and delivering them to the ſpeaker, before the party was brought in. If any member, or the perſon at the bar, objects to the propriety of any queſtion, and it is nevertheleſs inſiſted on, the witneſs muſt be directed to withdraw, and this without taking the ſenſe of the houſe by a queſtion; for no queſtion can be moved or put whilſt counſel or witneſſes are at the bar. When any perſon is brought to the bar as a delinquent, to receive judgment of commitment, or any other puniſhment, or to be diſcharged out of cuſtody, the mace muſt be at the bar; and till the ſtanding order of 1772, ſuch perſons muſt have received the orders of the houſe on his knees. The alteration made by that order, was adopted from humanity; the houſe, often having occaſion to inflict puniſhment on perſons, who would be more ſenſibly affected by this ignominious manner of receiving their ſentence, than by the ſevereſt ſpecies of penalty. The term of impriſonment cannot laſt longer than till the prorogation of parliament; reprimands are delivered by the ſpeaker, and generally ordered to be entered on the journal.

Impeachment. But the moſt formidable power entruſted to the houſe of commons by the conſtitution, is that with which they are inveſted as general inquiſitors of the realm. It was not till toward the end of the reign of Edward III., that this houſe took upon themſelves the character of accuſers, before the lords, of perſons charged with treaſon, or other high crimes and miſdemeanors againſt the ſtate. From that time they

they frequently found themſelves obliged to preſent complaints againſt perſons of the higheſt rank and favour with the crown, or againſt thoſe in judicial or executive offices, whoſe elevated ſituation ſecured them againſt the purſuit of private individuals, who, if they failed in obtaining redreſs, might afterwards become the victims of irritated tyranny. The performance, therefore, of this duty by the commons, forms a remarkable era in the hiſtory of criminal juriſprudence; it has contributed to controul, and repreſs acts of injuſtice and oppreſſion, and has been the means of bringing to condign puniſhment, thoſe great apoſtates to the common-wealth, who, by their actions, or counſels, have endeavoured to ſubvert the fundamental laws of their country, and to introduce an arbitrary and tyrannical government.

The crimes for which the commons impeach, are, miſdemeanours, committed by perſons employed by the crown, either at home or in its foreign poſſeſſions, mal-adminiſtration of juſtice, and extra-judicial conduct in the judges of the realm, and treaſon, or treaſonable practices, not ſpecifically mentioned in the ſtatute of 25th Edw. III., but by a clauſe in that act expreſsly reſerved for the determination of parliament. To render apparent the manner in which the power of parliament is applied, to the puniſhment of individuals accuſed of theſe crimes, a few caſes of impeachment are ſelected, and a ſlight attention to the hiſtory of the parties will ſufficiently elucidate the courſe of proceeding againſt them.

In 1386, the commons accuſed Michael De La Pole, earl of Suffolk, and late chancellor of England, of ſeveral crimes, the principal of which were, "that he had purchaſed lands of the king to a great value, for leſs than they were worth, in deceit of the king; and that where monies had been granted by the commons, to be expended according to the manner deſired by the commons, and agreed to by the king and lords, and no otherwiſe, yet theſe monies had been miſapplied to other purpoſes.

In 1388, ſir Robert Belknap, late chief juſtice of the common bench, ſir Roger Fulthorpe, ſir John Holt, and ſir William Burgh, late his companions, judges of the ſame bench, ſir John Cary, late chief baron of the exchequer, and John Lockton, late king's ſerjeant at law, were accuſed and impeached of certain crimes, viz. for anſwering certain queſtions that had been put to them, relating to matters of treaſon, and to which anſwers they had put their hands and ſeals, which queſtions and anſwers were read to them.

In 1397, the commons accuſed and impeached Thomas Arundel, archbiſhop of Canterbury, of high treaſon, for having,

whilſt he was chancellor, traitorouſly aided, procured and adviſed the making out a commiſſion, directed to the duke of Glouceſter and others, of whom himſelf was one; which commiſſion was made in prejudice to the king, and againſt his royalty, crown and dignity, and that he afterward put the ſaid commiſſion into effect. They aſſigned another crime, that he procured the duke of Glouceſter, and the earls of Arundel and Warwick, to take upon them regal power.

In 1450, William De La Pole, duke of Suffolk, the powerful prime miniſter of Henry VI. was impeached of high treaſon and ſeveral offences and miſpriſons, but after this reign impeachments were for ſome time leſs uſed, bills of attainder and of pains and penalties being more frequently reſorted to.

In 1620 the lord chancellor Bacon, on a report from the grand committee of courts of juſtice, was impeached for corruption in his office.

In 1621, ſir John Bennet, a member of the houſe, for bribery and corruption in his capacity of maſter in chancery, and judge of the prerogative court of Canterbury.

In 1624, Dr. Samuel Harſnet, biſhop of Norwich, was impeached for high crimes and miſdemeanors, on articles which are ſtrongly indicative of the ſpirit which then prevailed: they were, 1ſt, that he inhibited or diſheartened preachers on the ſabbath day in the forenoon; 2dly, that images were ſet up in the church, and one of the Holy Ghoſt fluttering over the front; and a marble tomb pulled down, and images ſet up in the room, and the biſhop bleſſed them that did it; 3d, that he puniſhed thoſe that prayed not towards the eaſt; 4th, that he puniſhed a miniſter for catechiſing his family, and ſinging pſalms; 5th, that he uſed extortion many ways; 6th, that he did not enter inſtitutions, to the prejudice of patrons.

In 1628, Mr. Mainwaring, on a report from the grand committee for religion, was impeached for the matter contained in two ſermons. The offence was contained in theſe propoſitions —1ſt, that in matters of ſupplies, in caſes of neceſſity, the king had right to order all as ſeemed good to him, without conſent of his people; 2d, that the king might require loans of his people, and avenge it on ſuch as ſhould deny; 3d, that the ſubject hath property of his goods in ordinary, but, in extraordinaries, the property was in the king.

In 1640, judge Berkeley and other judges, for the opinions they had given on the ſubject of ſhip money.

In 1660, William Drake, for publiſhing a book called "The Long Parliament revived."

In 1666, lord Viſcount Mordaunt, for diſpoſſeſſing Mr. Tayleur of apartments at Windſor, and impriſoning him.

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In 1668, Mr. Brunkard, for bringing pretended orders from the duke of York to ſir John Harman, commanding the lowering of the ſails in the June engagement, 1665.

In 1680, Richard Thompſon, clerk, for having publickly defamed his ſacred majeſty, preached ſedition, vilified the reformation, promoted popery, by aſſerting popiſh principles, decrying the popiſh plot, and turning the ſame upon the proteſtants, and endeavouring to ſubvert the liberty and property of the ſubject, and the rights and privileges of parliament.

In 1680, ſir Francis North, chief juſtice of the Common Pleas, for adviſing the proclamation againſt tumultuous petitions.

In 1680, ſir Richard Corbett reports from the committee appointed to examine the proceedings of the judges in Weſtminſter-Hall, ſeveral reſolutions—1ſt, that the diſcharging the grand jury by the Court of King's Bench, in Trinity term laſt, before they had finiſhed their preſentments, was illegal, arbitrary, and a high miſdemeanor; 2d, that a rule made by the Court of King's Bench, againſt printing a certain book, was illegal and arbitrary; 3d, that the Court of King's Bench, in the impoſition of fines on offenders of late years, hath acted arbitrarily, illegally, and partially, favouring papiſts, and perſons popiſhly affected, and exceſſively oppreſſing his majeſty's proteſtant ſubjects; 4th, that the refuſing ſufficient bail in certain caſes, wherein the perſons committed were bailable by law, was illegal, and a high breach of the liberty of the ſubject; 5th, that certain expreſſions, in a charge given by baron Weſton, were a ſcandal to the reformation, in derogation of the rights and privileges of parliaments, and tending to raiſe diſcord between his majeſty and his ſubjects; 6th, that certain warrants, iſſued by chief juſtice Scroggs againſt printers and bookſellers, are arbitrary and illegal. The houſe agree to theſe reſolutions, and immediately reſolve, that ſir William Scroggs, chief juſtice of the King's Bench, ſir Thomas Jones, one of the juſtices of the King's Bench, and ſir Richard Weſton, one of the barons of the court of Exchequer, be impeached upon the ſaid report and reſolutions.

In 1698, Goudet, Barieau and others, for high crimes and miſdemeanors, in carrying on an illicit trade in French ſilks.

In 1701, William, earl of Portland, for high crimes and miſdemeanors, in negotiating and concluding the treaty of partition, which was deſtructive to the trade of this kingdom, and dangerous to the peace of Europe, and againſt Lord Somers, the earl of Orford, and Charles lord Halifax, for adviſing the ſaid treaty of partition.

In 1724, the earl of Macclesfield, for high crimes and miſdemeanors, in the corrupt appointment of inſufficient perſons

to be maſters in chancery, whereby the ſuitors of that court were in danger of loſing their property.

Theſe inſtances are ſelected, not as the greateſt or the moſt conſpicuous examples of the power of the commons, but as moſt illuſtrative of the various grounds and cauſes which have in different periods induced them to exerciſe their great privilege of impeachment. If inſtances were choſen for their celebrity or popular intereſt, it would be impoſſible to omit thoſe of the duke of Buckingham and the earl of Strafford, of archbiſhop Laud and Dr. Sacheverel, of the earl of Derwentwater and other Scotch lords, in 1715, and of lord Lovat, in 1746; and the recent impeachments of Mr. Haſtings, and Lord Viſcount Melville.

An impeachment originates frequently in the report of a committee appointed to inveſtigate certain tranſactions; ſometimes in the complaint or allegation of an individual, and ſometimes in a meſſage from the houſe of lords.

Caption and Bail. In order to prevent the party accuſed from eluding the aim of juſtice, the houſe of commons order him to be taken into cuſtody, either by the ſerjeant at arms, or by the ſheriff; he is to be delivered to the gentleman uſher of the black rod, when the houſe of lords ſhall give orders to that effect, and ſometimes the party is at large till the lords order the black rod to arreſt him. In a caſe were the perſon accuſed (the lord keeper Finch) had abſconded, proclamations were directed, ordering him to attend at a day fixed, and take his trial, or that proceedings ſhould be had againſt him for not appearing, and his impeachment was carried up to the houſe of peers, though he had eſcaped into Holland. When the party cannot be found, a writ iſſues to the ſheriff to attach his goods and chattels. The lords impeached for the rebellion in 1715, and lord Lovat impeached for that in 1745, being already in cuſtody, the commons expreſsly mentioned that as a reaſon for not praying the lords to direct that meaſure againſt them. In lord Lovat's caſe, however, an order was made that he ſhould ſtand committed to the tower of London, to be there ſafely kept, in order to his trial; and that no perſon ſhould have acceſs to him without the ſpecial leave of the houſe. But on a complaint in his petition, that perſons had taken poſſeſſion of his eſtate, and had orders to levy his rents; the lords ordered that he ſhould be permitted to receive the rents and profits of his eſtate, by his factors or agents, in like manner as if he was not under an accuſation of high treaſon, and that the lord advocate for Scotland ſhould take the proper methods to carry this order into execution.

In impeachments for high crimes and miſdemeanors, bail is taken, the condition being, to abide the judgment of parliament;

ment; the ſum for which ſecurity is required, is commenſurate to the importance of the proſecution and dignity of the court. So long ago as the year 1640, the biſhop of Ely was obliged to find ſureties in the ſum of 10,000l. and the ſecurities for Mr. Haſtings extended to 40,000l. himſelf in 20,000l. and two ſureties in 10,000l. each.

EXPELLING OR SEQUESTERING MEMBERS. As a preliminary ſtep towards obtaining complete juſtice, the houſe of commons, on determining on an impeachment, have expelled a member of their own body, but they generally ſuſpend him from being in the houſe, on queſtions relating to his own delinquency, and they pray the lords to ſequeſter members of their houſe from attendance in parliament, and ſometimes to commit them. In 1667, they made this requeſt with reſpect to lord Clarendon, and the peers having declined to comply with it, becauſe the accuſation againſt him was too general, no particular treaſon being aſſigned, ſeveral conferences enſued, and the lords ſtill adhering to their determination, the commons reſolved, "That "when any ſubject ſhall be impeached of high treaſon gene- "rally by the houſe of commons before the lords in parlia- "ment, and deſired to be forthwith ſecured, ſuch perſons im- "peached ought, for the ſafety of the king and kingdom, to "be accordingly ſecured."—And "that when ſuch impeached "perſon ſhall be ſecured, the lords may limit a convenient time "to bring his particular charge before them, for the avoiding "delay in juſtice;" and ſubſequently, "that the lords having not "complied with the deſires of the commons, for committing "and ſequeſtering the earl of Clarendon, upon their impeach- "ment of treaſon, is an obſtruction to the public juſtice of the "kingdom, and a precedent of evil and dangerous conſequence." In 1641, about which time impeachments were proſecuted in great numbers, and with tremendous ſeverity, the judges who were impeached on account of the tranſactions reſpecting ſhip money, were ſuſpended from their functions, by a vote, that "the *peccant* judges ſhall not be named in the commiſſions for "the circuits; for, that for them, being thus impeached, to "become judges of men's lives and eſtates, would be a thing "of great offence and diſtraction."

FORMING THE HEADS. In order to reduce the impeachment into legal form, the houſe appoints a committee, which is ſelect, and on ſome occaſions a committee of ſecrecy; they are empowered to ſend for perſons, papers, and records, and to examine witneſſes; but as the general power of the houſe does not amount to the adminiſtering of an oath, it was in one of theſe committees, that the expedient was adopted of ordering ſuch members as were juſtices of the peace for Middleſex, to

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ſwear the parties. As it ſeems to be an acknowledged rule, that common fame is a ſufficient ground of a proceeding in the houſe of commons, by inquiry, or a complaint, if need be, to the king or the lords, it appears that evidence before the committee, or before the houſe, is not indiſpenſable, in order to the voting of an impeachment, and this was decided in 1667, in the caſe of lord Clarendon, but in the earl of Arlington's caſe, 1673, the committee deſiring the direction of the houſe, "whether proofs ſhould be made before the committee, or "whether ſome one member undertaking to produce perſons to "prove what is alleged, ſhall be admitted as proofs?"—The houſe reſolved, "that it be recommitted to the committee, "to proceed upon the articles, head by head; and to report "particularly to the houſe what proofs or inducements ſhall "be offered to the committee, fit for an impeachment, upon "every head of the ſaid articles;" and nothing further appears to have been done in this accuſation.

PARTY HEARD. Before the final adoption of the articles, and ſometimes before the reference of the matter to a committee, the party is called before the houſe of commons; ſometimes he is examined as to the heads of charge, as Drake, who acknowledged himſelf to be the penner of the book called "the long parliament revived," and was thereupon committed to the cuſtody of the ſerjeant at arms, and lord Arlington, in 1673, who deſiring to be heard, had ſeveral queſtions propoſed to him by the chair, was heard agreeably to his deſire, and withdrew. The ceremony on admitting Lord Arlington was exactly ſimilar to that of the duke of Buckingham which took place two days before, and is thus deſcribed: A letter from him to the ſpeaker having been read, he was, after ſome debate, ordered to be called in, and a chair was ſet for him on the left hand of the bar, the ſerjeant ſtanding with his mace on his right hand. Then the duke ſaluted the houſe round. *Ordered*, That the ſpeaker aſk him, whether he owned the letter he ſent him, and what he has to communicate to the houſe of concernment? The duke ſat a ſhort ſpace, covered; then the ſpeaker aſked him as deſired, and ſhewed him the letter, which the duke owned. The ſpeaker then ſaid, "The houſe is ready to hear what your "grace has to ſay, relating to the public ſervice;" and the duke, ſtanding, made his ſpeech. This is the accuſtomed form of admitting and hearing peers on ſuch occaſions. In 1626, the then duke of Buckingham, high admiral, being, by order of the houſe, apprized of the day when a report would be made from a committee, to the end that he might appear and make his defence, declined anſwering till he had aſked leave of the lords, which they refuſing, and the duke not attending, the houſe reſolved,

That

That he was the cauſe of the ſeveral evils their reſolution ſpecified. In 1628, lord Mohun declined attending altogether, ſaying that he choſe to make his defence with the lords, and expected the tranſmiſſion of the charge, which he would anſwer with all convenient ſpeed.

FURTHER PROGRESS. When the committee have prepared the articles, they are read twice, and ſometimes thrice in the houſe of commons, and ſeparately voted on, the queſtion being put on each article. On ſome occaſions it is left to the houſe to determine what ſhall be the nature of the crime imputed in conſequence of the facts diſcloſed in the articles; they may alſo amend ſuch as appear inconcluſive or defective in form, and reject any without prejudice to the remainder. Sometimes the impeachment is altogether diſmiſſed by the houſe, either becauſe the matter is inſufficient, or becauſe the houſe will not interpoſe. An inſtance of the latter kind occurred in 1693, when the earl of Bellamont preſented to the houſe articles of impeachment of high treaſon and other crimes and miſdemeanors, againſt Thomas lord Coningſby and ſir Charles Porter, two of the late lords juſtices in Ireland. Witneſſes having been examined, and the parties heard, the houſe proceeded to examine the charge article by article; on ſeveral they reſolved, "That "there was not ſufficient matter to ground an impeachment." Upon ſome they reſolved, "That the proceedings of lord Co-"ningſby and ſir Charles Porter were illegal and arbitrary; "but that, conſidering the ſtate of affairs in Ireland at that time, "the houſe did not think fit to ground an impeachment there-"upon." And then lord Coningſby and ſir Charles Porter were ordered to take their places in the houſe. It is uſual, in voting the impeachment, to add a clauſe enabling the commons to ſubjoin additional articles if they ſhall think it neceſſary; and the impeachment is perſevered in, although it be known that the grand jury has found a bill of indictment againſt the ſame party for the ſame offence. Fitzharris's caſe, where the lords refuſed to proceed on the impeachment, becauſe the attorney general was proceeding againſt him at common law, is an exception, but in the particular circumſtances of thoſe times it does not weigh againſt the rule.

DELIVERING THE CHARGE. The form of delivering the charge from the houſe of commons to the lords is not preciſely ſettled. A committee appointed to inſpect the journals in 1689, reported that they did not find any particular account touching the method of receiving impeachments. They found that ſometimes impeachments have been delivered at conferences, ſometimes with, and ſometimes without articles; but when they had been delivered at the bar of the houſe, it had always been by

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way of meſſage from the houſe of commons; but it did not appear whether the lords on the woolſack were ſitting while the articles were reading; nor did it appear, that any difference had been made between the receiving a meſſage where an impeachment was brought up, and any other meſſage. The delivering an impeachment at a conference was much in uſe on the revival of impeachments; but in 1621, a propoſal being made to follow that form, a member moved that it ſhould be done by a meſſage delivered at the bar, that mode being more public, and this opinion prevailed for that time. In the proceeding againſt the duke of Buckingham, in 1626, eight managers were appointed, with two aſſiſtants to each of them, who were to agree on the parts, and divide the buſineſs among them. Theſe ſeveral parts being arranged, a meſſage was ſent to the lords to deſire a conference touching the impeachment and accuſation of a great peer. The lords declined a conference, but appointed a meeting between a committee of both houſes in the painted chamber. It was then determined, that at this meeting the articles ſhould be read, according to the direction of the charges, by one of the aſſiſtants, and that then each manager ſhould amplify and aggravate his part, and leave the proofs with the lords. The proceeding by meſſage is generally adopted before any articles are prepared; a member, by order of the houſe, attends at the bar of the lords, and impeaches the individual in queſtion, either promiſing, in the name of the commons, to exhibit particular articles, and make them good, or producing them immediately after he has made the impeachment. In 1715, Mr. Aiſlabie producing ingroſſed articles againſt the earl of Strafford, at the bar, the houſe ordered "That Mr. Aiſlabie, "before he exhibits the ſaid articles, do impeach the ſaid earl of "Strafford of high crimes and miſdemeanors." The expreſſions uſed by ſir William Younge, in 1746, in impeaching lord Lovat, have been pretty cloſely adhered to on ſubſequent occaſions, and are theſe—"My Lords, the commons of Great "Britain, in parliament aſſembled, having received information "of divers treaſons committed by a peer of this realm, Simon "lord Lovat, have commanded me to impeach the ſaid Simon "lord Lovat of high treaſon; and I do here, in their names, "and in the names of all the commons of Great Britain, im-"peach the ſaid Simon lord Lovat of high treaſon. And I am "further commanded to acquaint your lordſhips, that they will, "with all convenient ſpeed, exhibit articles to make good the "charge againſt him." The ſpeech made by Mr. Burke, (10th May, 1787,) in delivering the charges againſt Mr. Haſtings, was ſimilar in effect, though more compreſſed, and varied as applied only to high crimes and miſdemeanors. On the 14th he

again appeared in the lords, attended by other members of the lower houſe, delivered to the lord chancellor the articles prepared, and uſed theſe words—"My lord chancellor; We are commanded by the commons of Great Britain, to exhibit articles of impeachment of high crimes and miſdemeanors committed by Warren Haſtings, eſquire, late governor-general of Bengal, at the bar of this houſe, in the name of the knights, citizens, and burgeſſes of Great Britain in parliament aſſembled, in behalf of themſelves and all the commons of this realm."

It is ſaid by Mr. juſtice Blackſtone, in his Commentaries, vol. iv. p. 269, that a commoner can only be impeached for high crimes and miſdemeanors, but not for any capital offence. This is among the very few opinions which that learned and elegant author has hazarded without due conſideration. And it appears that the contrary of this aſſertion does not depend, as Mr. Chriſtian, the laſt editor of Blackſtone's commentaries, intimates, on a *late* deciſion of parliament, but that the practice is derived from ancient times, and has been acquieſced in by thoſe whoſe legal knowledge would have induced them, if the proceedings were irregular, to reſiſt. On the 2d March, 1388, ſir Robert Belknap, ſir John Holt, ſir Roger Fulthorpe, and ſir William Burgh, *chief* and *puiſne judges of the Court of King's Bench;* ſir John Carey, *chief baron of the exchequer*, and John Lockton, *king's ſerjeant at law;* were impeached of high treaſon, condemned to be drawn and hanged as traitors, and their lands and goods forfeited; though their ſentence was afterwards changed to baniſhment into Ireland. Sir Robert Treſilian, John Blake, and Thomas Uſk, ſentenced about the ſame time, in conſequence of an impeachment, were executed, as were Simon de Beverley, John Beauchamp, and ſeveral other perſons, all theſe being commoners. In 1640, ſir Robert Berkeley, knight, *a judge* of the *King's Bench*, was impeached of high treaſon; neither he, nor any perſon on his behalf, making any objection to the illegality, although the proceedings againſt him were extremely harſh, and many able lawyers had ſeats in the houſe of commons. When called upon for his defence, he actually petitioned the houſe to be allowed counſel in point of law, on *the high treaſon* of which he was impeached. In 1641, Daniel O'Neill was, in like manner, impeached of high treaſon; and, in 1680, ſir William Scroggs, *lord chief juſtice of the King's Bench*, was impeached of the ſame crime, and, after a diſſolution of parliament, put in his anſwer and petition, craving a ſpeedy trial, but never queſtioning the competency of the houſe to ſit in judgment on him. Theſe precedents, with the reaſons aſſigned in a former page, in the caſe of Fitzharris, are ſufficient to

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ſhew that both law and reaſon confirm the authority of parliament in this point.

Appearance. When the articles of impeachment are prepared and engroſſed, and delivered by the houſe of commons to the peers, it is uſual, if the defendant is in cuſtody, to bring him to the bar to hear them read. Sometimes, in conſideration of the dignity of the party, and, at others, for the ſake of convenience, he has not been brought to the bar, but the articles ſent to him in writing.

Copies of Papers and Counsel allowed. When he appears, the houſe, on his requeſt, allow him a copy of the charge and depoſitions, and they have alſo, on petition, permitted the party to cauſe copies to be taken of all warrants and other papers in the treaſury office, and of the journals of parliament, and of public treaties referred to in any of the articles exhibited againſt him, and of all other records whatſoever.

The propriety of granting theſe aſſiſtances, as well as of allowing counſel, is well expreſſed in the following order of the houſe concerning judicature, made the 28th May, 1624: "Their "lordſhips declare now in the general, That, as this court is "the higheſt, from whence others ought to draw their light, ſo "they do intend the proceedings thereof ſhall be moſt clear "and equal, as well, on the one ſide, in finding out offences "where there is juſt ground, as, on the other ſide, in affording "all juſt means of defence to ſuch as ſhall be queſtioned. For "the particulars, they do at this time order, That, in all caſes "of moment, the defendants ſhall have copies of all depoſitions, "both *pro* and *contra*; after publication, a convenient time be"fore the hearing, to prepare themſelves; and alſo, that the "defendants, if they ſhall demand it of the houſe in due time, "ſhall have their learned counſel to aſſiſt them in their defence, "whether they be able, by reaſon of health, to anſwer in per"ſon or not, ſo as they chuſe counſel void of juſt exception, "and if ſuch counſel refuſe them, they are to be aſſigned as "the court ſhall think fit. This their lordſhips do, becauſe in "all caſes, as well civil as criminal and capital, they hold that "all lawful helps cannot, before juſt judges, make one that is "guilty avoid juſtice, and, on the other ſide, God defend that "an innocent ſhould be condemned." Counſel are allowed before the defendant puts in his plea or anſwer, and they are to have free acceſs to their client, though in other reſpects cloſely confined. In the caſe of lord Strafford, in 1640, the commons, influenced by an acrimonious ſpirit, ſignified to the peers, that as they ſhould manage the evidence by members of their own, they did not expect that any counſel ſhould be allowed to the defendant at the giving of evidence on the trial.

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The lords however ordered, That, in matters of mere fact, lord Strafford ſhould not make uſe of his counſel, but, in matters of law, their aſſiſtance ſhould be allowed. And the lords reſerved to themſelves the judgment what were matters of law and what matters of fact. This arrangement, though juſt and moderate, was not intirely ſatisfactory to the commons, who voted that if the counſel for the defendant interpoſed during the evidence, the members of the houſe of commons muſt of neceſſity deſiſt, *for it would not become them to plead againſt counſel.*

A ſolicitor is alſo allowed to be employed by the defendant; and a complaint being made by Dr. Sacheverel, in 1709, that ſome of the counſel allowed to aſſiſt him had returned their fees, and refuſed, accompanied with a prayer, that the lords would aſſign other counſel, and alſo a ſolicitor; the lords acceded to his requeſt.

If the charge preſented by the houſe of commons is not ſufficiently ſpecific, the lords object to it on that ground, and when the commons refuſe or neglect to amend it, they will not ſequeſter or impriſon the party complained againſt; but when he is committed by the lords, he cannot be bailed in conſequence of a habeas corpus from the courts below.

Plea or Answer. After the delivery of the articles of impeachment and depoſitions to the defendant, he is required to put in his anſwer or plea by a certain day; but lord Strafford not being ready, was allowed to ſhew by his counſel why he was not ſo, and had further time allowed, but with a peremptory condition that he ſhould anſwer before its expiration.

The individual accuſed is expected to deliver his anſwer or plea in perſon; and although, in a caſe of illneſs, it was allowed to be done by the ſolicitor, this deviation from rule was not obtained without perſonal examination of a phyſician; and the plea of another perſon, not delivered by himſelf, was refuſed.

It is now eſtabliſhed by ſtatute 12th and 13th William III. c. 2. "that no pardon, under the great ſeal of England, ſhall be "pleadable to an impeachment by the commons in parliament;" but before that time the houſe had ſtrenuouſly reſiſted the effect of ſuch pleas in bar. In lord Danby's caſe, in 1678, the king, in a ſpeech from the throne, ſaid "he had granted his pardon, "under his broad ſeal, to the lord treaſurer, before the calling of "that parliament, for ſecuring both his life and fortunes; and if "there ſhould happen to be any defect therein, in point of form "or otherwiſe, he would give it him ten times over, rather than "it ſhould not be full and ſufficient for the purpoſe." The commons immediately appointed a committee to enquire of the lord chancellor as to the manner of ſuing forth this pardon; and on their report addreſſed the king, repreſenting the irregularity and illegality

illegality of this pardon, and the dangerous conſequences of granting pardons to perſons under an impeachment, and reſolved, "That the lord Danby's pardon was illegal and void, "and ought not to be pleaded in bar of his impeachment, and "that they would demand judgment againſt him;" but the lords appointed a day for the defendant to verify his plea.

Proceedings on Plea of Guilty. In ſome caſes the defendants have pleaded guilty, throwing themſelves on the mercy of the houſe. Their confeſſion being recorded, they were, when in cuſtody of bail, ordered to be taken by the uſher of the black rod; a conference was had with the commons, the value of the parties' eſtates inquired into, and fines and other puniſhments impoſed. The confeſſion muſt not be general but ſpecific, applying to every charge.

On Not Guilty. When the defendant anſwers the charge, or pleads not guilty, the anſwer delivered at the bar is read; and ſometimes a copy, ſometimes the original, is tranſmitted to the houſe of commons, with a deſire that it may be returned with all convenient ſpeed; it is read in the houſe of commons, and referred to the committee who were appointed to draw up the articles of impeachment, to conſider of, and to report what further proceeding is to be adopted.

Replication. It is the duty of this committee to prepare a replication, without which iſſue cannot be joined; the replication is read twice in the lower houſe, and then forwarded to the lords. In all theſe proceedings, the commons are expected to uſe reaſonable diſpatch, and not between the impeachment and delivery of articles, or between the receipt of the anſwer and the preſenting of their replication, to make the defendant ſuffer by vexatious or unreaſonable delay. When any inſtance of this kind has appeared, the lords have not heſitated by meſſage to admoniſh the other houſe of their neglect.

Managers. It appears to have been at one time matter of doubt whether the impeachment on the part of the commons ſhould be managed by their own members or by counſel, but ſince the trial of lord Strafford in 1640, the practice of appointing members has been general; they are frequently formed from the committee which prepared the articles of impeachment, but this, though evidently fit, is not indiſpenſably neceſſary. They are empowered to conſider of the proofs, and how the witneſſes may be conveniently brought together to give their teſtimony *vivâ voce*; they are to proceed in the moſt ſecret and ſpeedy way they can for the advantage of the buſineſs in preparing it for a trial; they have power to ſend for perſons, papers, and records, or any thing elſe that they ſhall, in their judgment, conceive fit, or that may conduce to the ſervice; they have

have liberty to proceed on ſuch articles as they ſhall think moſt important for expediting the trial, and to contract, and proceed in ſuch manner as they ſhall think moſt expedient; and they are to inſtruct themſelves in the evidence, and take their parts for managing the trial. They may have counſel for aſſiſtants, and are attended by a ſolicitor appointed by themſelves. The houſe may give them inſtructions for their guidance; they aſk queſtions through the lord high ſteward, but ſpeak to the houſe of lords as a houſe, ſaying, "my lords," "your lordſhips," not addreſſing themſelves to the high ſteward by his particular title, as "my lord," or "your grace."

WITNESSES. Witneſſes may be compelled to attend, either before the committee for preparing the articles, or before the houſe of lords on trial of the impeachment. In the former caſe, on complaint of refuſal to appear, the ſpeaker iſſues his warrant to the ſerjeant at arms, to bring ſuch perſon in cuſtody; in the latter, a committee appointed by the lords to examine precedents, reported "that the proper method to compel wit-"neſſes to come in and give their evidence upon impeach-"ments is, in the firſt place, to iſſue out ſummons from this "houſe to ſuch witneſſes for their attendance;" and to this reſolution the houſe agreed. When a material witneſs who was ordered to attend, could not be found, the commons acquainted the lords at a conference of this circumſtance, alleging it as a reaſon why they had not proceeded in the impeachment; and the lords addreſſed the king, "that he would be pleaſed to "order the ports to be ſtopped, and iſſue his proclamation for "ſecuring the perſon mentioned." It was alſo ordered by the houſe of commons, that if any of the witneſſes in a caſe then pending, had departed, or ſhould depart the town, having been required to ſtay, before the committee appointed to conduct the buſineſs ſhould be acquainted therewith; ſuch perſon ſhould be adjudged to offer a great contempt to the houſe, and be forthwith ſent for as a delinquent. The witneſſes, intended to be examined at the trial, are ſworn at the bar of the houſe of lords, in order to which the ſolicitor delivers in their names with the cauſe or matter in which they are to be ſworn in writing to the clerk of the houſe, and he takes a fit opportunity to call the parties and adminiſter the oath. If the witneſſes required are members of either houſe, a note of their names is given to the ſerjeant, who is ordered to give notice to ſuch members, to be preſent on all occaſions. Peers, if examined, are upon oath adminiſtered by the chancellor at the table of the houſe; and it was ordered in 1715, "that if any peer of Great Britain, "having not a place in parliament, ſhould be admitted as a "witneſs at the trial, a chair ſhould be placed for him near

" the table in the court; and that ſuch peer ſhould be ſworn " by the lord high ſteward, and deliver his evidence ſtanding " up there." Any peer of parliament who has been examined as a witneſs, may on motion be excuſed from ſitting in judgment. A party accuſed having petitioned the houſe of commons to examine ſome members of their body on his trial, the houſe left thoſe members to act as they ſhould think fit, without offence to the houſe; and in the ſame caſe, (that of lord Strafford,) the lords reſolved, that lord Strafford ſhould not be admitted to ſpeak at his trial, before the houſe of commons had fully managed their evidence againſt him: if a witneſs gave evidence for the commons, lord Strafford might afterwards aſk him queſtions: and that if lord Strafford excepted againſt a witneſs, he ſhould be heard, before the witneſs gave his evidence.

COMMITTEES. If caſes of difficulty ariſe previous to, or during the trial, the houſes ſometimes appoint ſeparate committees, ſometimes a joint committee, and ſometimes they eſtabliſh conferences.

LORD HIGH STEWARD. When iſſue is joined on an impeachment, it is uſual for the houſe of lords to addreſs the king to appoint a lord high ſteward to preſide at the trial. It was ſaid in 1717, that this was ordinarily the firſt ſtep, but in 1679 and 1680, the committee of the commons inſiſted that the lord high ſteward was not a neceſſary part of the court, but only ſat as ſpeaker of the houſe of lords, and the peers agreed that the trial might proceed, though no ſuch officer were appointed by the king. No particular officer of government is peculiarly eligible for this poſt; it is occaſionally the lord chancellor, the lord treaſurer, or lord ſteward of the houſehold; but any other lord may fill the place. His appointment is by patent under the great ſeal, *pro hac vice* only; he takes no oath, but yet muſt proceed according to the laws and cuſtoms of the realm; he votes only as a peer; and when the trial is ended, diſſolves his commiſſion by breaking his wand over his head.

DAY OF TRIAL. The day for commencing the trial is fixed by the lords, though the commons inſiſt that there ought to be a previous ſignification of their aſſent. The place is alſo appointed by the lords, although this circumſtance is commonly influenced by the determination of the houſe of commons with reſpect to their attendance. In ſome caſes they have not appeared as parties, except when they ſtated the grievances of which they complained; and afterwards, when they came to demand judgment. If the managers with their aſſiſtants alone attend, the lords ſit in their houſe, and the party accuſed, and his

his counſel, and thoſe deputed by the houſe of commons ſtand at the bar. In this caſe the ſpeaker of the houſe of commons leaves the chair when the managers go, and reſumes it when they return. If the whole houſe of commons mean to attend, the lords are requeſted to fix ſome convenient place, with room ſufficient for both houſes. In theſe caſes, a large temporary building of wood is formed in the inſide of Weſtminſter-Hall, and an addreſs is voted to the crown to iſſue the neceſſary ſums for the expences. The houſe of commons in that caſe attend, not as a houſe, but as a committee, and fix, by an order of the houſe, the manner in which they will go to the place, and the ceremonies to be obſerved at the trial. In the court the ſpeaker is placed in a box, in the middle of the front row of the benches allotted for the members, and has his gown on. Neither he, nor the members, ſit covered, becauſe they are a committee only; an expedient eſtabliſhed at the trial of lord Strafford, to prevent diſputes between the two houſes on this delicate point. The lords have a privilege, according to their rank, of iſſuing tickets for ſtrangers to ſit in the galleries appointed for that purpoſe; and it is a rule, though not ſtrictly obeyed, "That nothing that ſhall be ſaid at the trial, by any "member of the houſe of lords, or by any perſon produced "by the commons as a witneſs, ſhall be printed or publiſhed "without leave."

Of abating and reviving Impeachments. It has been ſolemnly determined by both houſes, in the caſe of Mr. Haſtings, that an impeachment does not abate by reaſon of a diſſolution of parliament. This deciſion, though not new, was yet not ſo generally ſupported by precedent, but that eminent lawyers in both houſes maintained a contrary opinion. In 1678, a committee of the houſe of lords adopted a ſimilar determination in the caſe of lord Danby and the popiſh lords; but on the 22d May 1685, the lords reverſed and annulled the order. The heat of party may be alleged in diminution of the authority of both theſe deciſions; but in 1690, a committee appointed by the lords to inſpect and conſider precedents, "Whether "impeachments continue in *ſtatu quo* from parliament to par-"liament?" reported ſeveral precedents concerning impeachments, from the rolls of parliament; "and they had examined "the journals of the houſe, which reach from the 12th of "Henry VII. and all the precedents of impeachments ſince "that time; among all which none are found to continue from "one parliament to another, except the lords who were lately "ſo long in the tower." The lords, after conſidering the precedents that had been reported from the committee, diſcharged the earls of Saliſbury and Peterborough from their bail. In 1790,

however, other precedents were adduced, and the contrary opinion prevailed. Yet in earlier times, it ſeems to have been the underſtanding of parliament, that a diſſolution would abate an impeachment, ſince in 1689, the court of king's bench, after being once deterred from admitting lord Caſtlemain to bail by a warrant from the houſe of commons, charging him with high treaſon, did, nevertheleſs, during the interval occaſioned by a diſſolution of parliament, admit him to bail; and on the 19th December 1660, the houſe of lords, taking Drake's caſe into conſideration, voted, "That as they apprehend they may "not have time before the diſſolution of the parliament, to "proceed in judicature againſt him, the king's attorney general "do, in his majeſty name, proceed againſt the ſaid Drake, in "the court of king's bench, upon the ſaid offence, according "to the ordinary courſe of law." An impeachment which had lain dormant more than ſix months, was revived in 1641, but in 1701, an impeachment, to which the defendant had given in his anſwer in 1695, was annulled, two complete parliaments having intervened, without any further proſecution by the commons. In 1717, proceedings againſt lord Oxford having been ſuſpended nearly two years, the commons, after receiving a notice from the lords that the day of trial was fixed, appointed a committee to conſider the ſtate of the impeachment; and on their report, that it would be neceſſary to review the evidence, and therefore impoſſible to be ready at the time appointed, a meſſage was ſent to this purport, with a deſire that the trial might be put off to a further day; to which the lords agreed. But in this and other inſtances, where, in conſequence of diſputes, the commons refuſed or neglected to be in readineſs on the day fixed, or that to which the lords had enlarged the hearing, the lords diſmiſſed the impeachment, and declared the defendant acquitted. It was formally recognized by vote of the houſe of commons in 1701, that it is the undoubted right of every ſubject of England, under any accuſation, either by impeachment or otherwiſe, to be brought to a ſpeedy trial, in order to be acquitted or condemned. But the courts of parliament are not bound like the courts below, to give way to objections of mere form; they would not admit as a valid objection to an impeachment that it did not ſpecify the very words with which the defendant was charged; nor would they give the priſoner further time to make his defence on an allegation of the abſence of his witneſſes; and in Dr. Sacheverel's caſe (1709) they proceeded to judgment, without coming to any reſolution on his requeſt that counſel might be heard on two points of law, after he had been found guilty.

VOTES. On the trial every peer votes on queſtions of law as well as of fact, though they often refer queſtions of evidence, or other technical deſcription to the judges; but this only for their opinion, not their determination; in voting, the majority decides, and when the numbers are even, the propoſition is taken to be paſſed in the negative. No proxies are allowed; members of the houſe of commons who had voted on the queſtion of impeachment, but were ſince called up to the peers, are excuſed from giving judgment, but not prohibited. With reſpect to biſhops, doubts are entertained whether they ſhould vote in judicature in caſes of blood; they have generally declined attending, but entered a proteſt, reſerving to themſelves all their legal rights. They are frequently preſent during the trial, and have voted on all queſtions ariſing in the courſe of it, but not on the final queſtion "Guilty or not guilty."

THE COURT AND TRIAL. To give a notion of the manner in which the court is held for the trial of a perſon impeached, when the houſe of commons attend as a committee, it will not be improper to tranſcribe the narrative of the opening of the laſt great tribunal of the kind, that which was held for the trial of Mr. Haſtings, and which laſted from 1788 to 1795.

On the day appointed, at eleven o'clock, the houſe of commons, preceded by the managers of the impeachment, came from their own houſe into the hall. The managers were dreſſed, the reſt of the members in their uſual undreſs. Half an hour afterward, the lords moved from their own chamber of parliament; the clerks of parliament firſt, the maſters in chancery following them; next the ſerjeants, then the judges; after them a herald, and then the eldeſt ſons of peers and peers minor; then, after the uſhers, the barons, biſhops, viſcounts, earls, marquiſſes, dukes, the archbiſhops, and the lord chancellor. The proceſſion cloſed with the royal family, the ſon of the duke of Glouceſter walking firſt, and the prince of Wales laſt. In paſſing to their places, they took off their hats and bowed to the throne. Having taken their ſeats, the ſerjeant at arms made proclamation, commanding ſilence, and called upon Warren Haſtings, eſquire, to come into court. Mr. Haſtings accordingly appeared, accompanied by Mr. Sullivan and Mr. Sumner, his bail, and kneeling at the bar in the box aſſigned to him, he was ordered to riſe, which he accordingly did. The ſerjeant at arms then made proclamation: "Oyez, oyez, oyez! Whereas "charges of high crimes and miſdemeanors have been exhibited "by the honourable the houſe of commons, in the name of "themſelves and of all the commons of Great Britain, againſt "Warren Haſtings, eſquire; all perſons concerned are to take "notice, that he now ſtands upon his trial, and they may come

" forth in order to make good the ſaid charges." The lord chancellor then addreſſed the priſoner as follows:

" Warren Haſtings; You ſtand at the bar of this court, " charged with high crimes and miſdemeanors, a copy of which " has been delivered to you; you have been allowed counſel, " and a long time has been given to you for your defence; but " this is not to be conſidered as a particular indulgence to you, " as it aroſe from the neceſſity of the caſe, the crimes with " which you are charged being ſtated to have been committed " in a diſtant place. Theſe charges contain the moſt weighty " allegations, and they come from the higheſt authority: this " circumſtance, however, though it carries with it the moſt " ſerious importance, is not to prevent you from making your " defence in a firm and collected manner, in the confidence " that, as a Britiſh ſubject, you are entitled to, and will re- " ceive, full juſtice from a Britiſh court."

To which Mr. Haſtings made anſwer:

" My lords; I am come to this high tribunal equally im- " preſſed with a confidence in my own integrity, and in the " juſtice of the court before which I ſtand."

The clerks of the court then proceeded to read the charges and the anſwers, till the lord chancellor moved, that the lords ſhould adjourn to their own chamber of parliament, and they accordingly withdrew in the order in which they came.

This account diſplays moſt of the forms obſerved on ſuch occaſions: the guards attended on Sacheverel's trial, in conſequence of an addreſs to the queen, reciting that it had been uſual on ſuch occaſions. The commons, attending as a committee, are not covered; the peers are. When the defendant was a peer, and tried in the lords, only for high crimes and miſdemeanors, the houſe ordered, that the lower barons' bench ſhould be moved, and a ſtool ſet near the bar, where he was to ſit uncovered as a peer, and not in the capacity of a judge. The commons remonſtrated againſt this arrangement, but the peers very properly replied, " that judging it a right inherent in " every court, to order and direct ſuch circumſtances and mat- " ters of form as can have no influence to the prejudice of juſ- " tice, in ſuch way as they ſhall judge fit, where the ſame are " not ſettled otherwiſe by any poſitive rule, their lordſhips had " confirmed the order already made as juſt and equal."

When the pleadings and depoſitions have been read, the managers open the caſe for the commons; they are at liberty to ſelect ſuch articles, and in ſuch order as they think fit, each manager chuſing which he will enforce, and they call evidence in ſupport of them. In ſome inſtances they have proceeded article by article, requiring the priſoner to defend himſelf on each

ſeparately;

ſeparately; and this courſe the managers againſt Mr. Haſtings wiſhed to have adopted, but the counſel for that gentleman inſiſting that ſuch arrangement was never made but with conſent of the priſoner, and reſiſting it on behalf of their client, the queſtion was referred to the deciſion of the lords, who deſired the managers to produce all their evidence in ſupport of their impeachment before the defendant ſhould be called upon to anſwer any part.

After the managers have cloſed their evidence, one of them is heard at large in ſumming it up. The priſoner then makes his defence by counſel, and calls evidence if ſo inclined; one of his counſel ſums up in his behalf, and the defendant himſelf may alſo, if he will, at this period addreſs the court. The managers have then a right to reply, but the defendant cannot be allowed to ſpeak after them. The managers have a right to reply, even if the priſoner calls no evidence, or makes no defence.

The managers in their addreſs to the lords uſe that freedom of ſpeech, which diſtinguiſhes the proceedings in their houſe; but when the counſel for the priſoner animadverted in ſevere terms on ſome of their expreſſions, it was treated as an offence againſt the dignity of the houſe of commons. In ſome caſes, however, exceptions have been taken againſt expreſſions uſed by managers: in the proſecution of Dr. Sacheverel, one of them was obliged, by the chancellor, to explain his words; and in that of Mr. Haſtings, the houſe of commons, on the report of a committee, voted that ſome words ſpoken by one of the managers ought not to have been uttered.

If any doubts ariſe in the courſe of proceeding, the lords do not diſcuſs them in Weſtminſter-Hall, but adjourn to their own houſe. This is a tedious and fatiguing duty, but conſiſtent with precedent, and favourable to free debate; it ſometimes occaſions an adjournment beyond the day, but at others queſtions have been decided without the managers leaving the bar. In theſe caſes, eſpecially on points of evidence, the lords ſometimes conſult the judges, but this proceeding is not indiſpenſably neceſſary, and in the caſe of Dr. Sacheverel, the houſe decided in expreſs contradiction to the effect of the unanimous opinion of the judges. This caſe deſerves particular notice; it was not one of evidence but of form; the queſtion referred to them was, "Whether, by the law of England, and conſtant practice "in all proſecutions, by *indictment* or *information*, for crimes or "miſdemeanors, in writing or ſpeaking, the particular words "ſuppoſed to be criminal muſt not be expreſsly ſpecified in ſuch "indictment or information?" to which the judges all anſwered in the affirmative. The lords reſolved, That they will proceed

to the determination of the *impeachment*, according to the law of the land, and "the law and uſage of parliament;" and directed the clerks, and appointed a committee to ſearch precedents on this ſubject; which being reported, they reſolved, "That by the "law and uſage of parliament, in proſecutions *by impeachment* "for high crimes and miſdemeanors, by writing or ſpeaking, "the particular words ſuppoſed to be criminal *are not neceſſary* "to be expreſsly ſpecified in ſuch impeachment." This deciſion was treated by a great law lord, during the trial of Mr. Haſtings, as an inſtance of injuſtice which it was to be hoped might never occur again. The lords, it was ſaid, had determined a point of law, contrary to the unanimous opinion of the judges. On this ſubject it may be obſerved, that the point, as laid down by thoſe judges, has been much controverted ſince their days, and that their opinion did not extend to impeachments, but only to caſes of indictment and information. But even if the opinion of the judges had been diametrically oppoſite to the determination adopted by the lords, it would not, even then, be eaſy to ſhew that ſo great a tribunal, empowered by the conſtitution to reviſe the proceedings of thoſe very judges in their own courts, when brought into the houſe by writ of error, ſhould, in a caſe where they aſk for an opinion, be bound to prefer that opinion to the dictates of their own judgment and experience.

VERDICT. The arguments and evidence on each ſide being cloſed, a day is fixed for pronouncing the deciſion of the court, and the lords who have been preſent during the trial, have notice to attend. On ſome occaſions there has been a previous vote, "that the commons have made good their charge;" and in ſuch caſe, after a debate, it was reſolved, that the queſtion of guilty or not guilty ſhould be put on each article of impeachment ſimply, and not, as was firſt propoſed, with this introduction, "*The Commons having made good their charge*," is the priſoner guilty or not guilty?" On the day appointed for the deciſion the court meets as uſual, the managers and the commons in their places; the defendant, with his bail, is introduced, and directed to withdraw; the verdict of each lord, commencing from the junior baron, is then taken *ſeriatim* by the high ſteward, and he publicly declares the reſult. In the caſe of Mr. Haſtings, it was the acquittal of the priſoner; in conſequence, the lord chancellor, who was high ſteward, ſaid, "It appears that there "is a great majority for the acquittal of the priſoner on each "of the articles; I am, therefore, purſuant to your lordſhips' "directions, to declare, that Warren Haſtings, eſquire, is ac-"quitted of all the charges of impeachment brought againſt "him by the commons, and of all the matters contained therein."

Mr.

Mr. Haſtings being then called into court, came into his box, and knelt in the uſual way; the chancellor deſired him to riſe, and addreſſed him in theſe words:

"Warren Haſtings, you are acquitted of all the charges of "impeachment brought againſt you by the commons, and of all "the matters contained therein; you and your bail, therefore, "are diſcharged."

When the deciſion of the court is adverſe to the priſoner, a like declaration is made to the lords; the defendant is, in like manner, informed of the event, and notice is ſent to the commons that their lordſhips are ready to give judgment, if they, with the ſpeaker, will come and demand the ſame.

JUDGMENT. This notice to the commons to demand judgment, is not mere matter of form; it is an ancient cuſtom, invariably obſerved, even when the defendant pleads guilty, and the commons are ſo tenacious of this privilege, that in two caſes, when there was reaſon to apprehend that the peers would proceed to judgment without waiting for the performance of this part of their duty, they voted an inſtruction to their committee "to inſiſt that it is not parliamentary for "their lordſhips to give judgment until the ſame had been firſt "demanded by the commons." The order made has been that, on a day mentioned, "this houſe will, with Mr. Speaker "and the mace, go up to the bar of the lords' houſe, and, in "the name of the knights, citizens, and burgeſſes in parlia-"ment aſſembled, and of all the commons of Great Britain, "demand judgment againſt the defendant." The committee is alſo directed to draw up a form of words for making the demand, which varies according to the circumſtances of the caſe. The commons by this regulation gain a ſort of power to pardon the perſons they have proſecuted, or at leaſt to reſpit them during pleaſure; but to the party himſelf, ſuch a tenure of his immunity is very inſecure, ſince, after long intervals, every a new parliament has come to the houſe of lords and demanded a judgment.

ARREST OF JUDGMENT. When the defendant is brought up on the demand of the houſe of commons, he may move in arreſt of judgment; the managers for the commons argue againſt him, and the lords retire into their own houſe to decide the point.

SENTENCE. The ſentence in caſe of high treaſon is death, inflicted by decollation or hanging, according to the rank of the offender.

Thoſe upon high crimes and miſdemeanors vary according to the nature of the caſe and circumſtances of the parties. In caſe of pecuniary fine, it ſeems moſt regular to adopt an inquiry

into

into the wealth of the delinquents; but a fine of 30,000*l.* was once impoſed without that ceremony. The ſentence in different caſes has been fine, impriſonment, baniſhment, incapacity to hold public offices, incapacity to appear at court, and to ſit in parliament; but it is much to be doubted whether this latter ſentence is legal, unleſs it were ſanctioned by all branches of the legiſlature in form of a bill of attainder. Sometimes alſo the ſentence has been infamy and degradation, incapacity to give evidence, or ſit on juries, and ſometimes the delinquent has been condemned to make ſatisfaction to the party aggrieved.

The lord ſteward diſſolves the court as already has been mentioned; but after ſentence, if execution is not done, he may iſſue his precept to inforce it.

The houſe of commons frequently vote thanks to the managers.

Pardon. Although the king's pardon cannot be pleaded in bar to an impeachment, yet, after it has been ſolemnly heard and determined, the king's royal grace is not further reſtrained or abridged; for, after the impeachment and attainder of the ſix rebel lords, in 1715, three of them were from time to time reprieved by the crown, and at length received a pardon. This right in the crown appears to have been acknowledged by the commons ſo long ago as in the 50th Edward III., when they petitioned the king not to grant pardons to perſons impeached in parliament, either of their life or limb, fine or ranſom, forfeiture of lands, tenements, goods or chattels. The king anſwered, that "he would do his will as beſt ſhould "ſeem to him."

Such is the outline of the conſtitution, authority, and practice, in its moſt material points, of the parliament of the united kingdom.

Officers. The office of ſpeaker having already been noticed, the next who claims attention is the

Clerk. His office is granted by the king for life, by letters patent to be exerciſed by himſelf or deputy, with an ancient ſalary of 10*l.*, payable half-yearly at the Exchequer. He is ſtyled in the patent "under clerk of the parliaments to attend "upon the commons," and his general duties are expreſſed in an oath which, before entering on his office, he takes kneeling before the lord chancellor, and which is adminiſtered by the clerk of the crown. It obliges him to be faithful to the king, his heirs and ſucceſſors, to reſiſt, and reveal to the privy council all matters prejudicial to the crown; and then proceeds in theſe terms: "Ye ſhall alſo well and truly ſerve his highneſs, in the "office of under clerk of his parliaments, to attend upon the "commons of this realm of Great Britain, making true entries,

"remem-

" remembrances, and journals of the things done and paſſed in " the ſame. Ye ſhall keep ſecret all ſuch matters as ſhall be " treated in his ſaid parliaments; and not diſcloſe the ſame " before they ſhall be publiſhed, but to ſuch as they ought to be " diſcloſed unto. And generally ye ſhall well and truly do and " execute all things belonging to you to be done appertaining " to the ſaid office of under clerk of the parliaments, as God " you help, and by the contents of this book." This duty comprehends his being attentive to the other clerks under him, that they are exact in making the proper entries of the proceedings of committees, and in affixing the orders for the meeting of committees on the door of the houſe, and in the diſcharge of their other ſervice to the houſe. It is without warrant that he ſhould make minutes of particular men's ſpeeches; and he ought to confine himſelf merely to take notes of the orders and proceedings of the houſe. Theſe he and the clerk aſſiſtant both do in their minute books at the table; and from theſe minutes the votes, which are ordered to be printed, are made up under the direction of the ſpeaker. At the end of the ſeſſion, it is the clerk's office to ſee that the journal of that ſeſſion is properly made out, and fairly tranſcribed from the minute books, the printed votes, and the original papers that have been laid before the houſe; and this is commonly done during the receſs in ſummer. All addreſſes to the crown, and orders of the houſe of commons, whether for the attendance of perſons, or bringing of papers, &c., muſt be ſigned by the clerk, and this he always does with his own hand; it is his duty alſo to ſign the bills which have paſſed the houſe of commons. But the orders for bringing in bills, for the appointment and meeting of committees, and the other common orders of the houſe, are, for the ſake of expedition, ſigned in his name by a clerk without doors, authoriſed by him.

As the clerk ought to take notes of nothing but the orders and reports of the houſe, he is always under ſome difficulty, when exception is taken to the words of a member as irregular, and the houſe, or any number of members, call out to have them taken down: as this call of particular members, though ever ſo general, is not properly, indeed cannot be, an order of the houſe; and as the taking down the words at the table is with a view to ground a cenſure againſt the member who uſed them, the clerk ought not to be too ready in judging of the ſenſe of the houſe, or in complying with this call.

The emoluments of the clerk depend in a great meaſure on the buſineſs of the houſe, his fees on private bills being limited by a table long ſince eſtabliſhed.

CLERK

CLERK ASSISTANT. The form of appointing this officer is—the clerk informs the ſpeaker, that, with the approbation of the houſe, he has named ſuch a perſon to be his clerk-aſſiſtant; the ſpeaker mentions the nomination to the houſe, adding that the perſon attends at the door: he is then called in, and takes his ſeat at the table. In committees of the whole houſe, the chairman takes the chair of the clerk, and then it has been always the practice for the clerk-aſſiſtant alone, and not the clerk, to officiate; from this circumſtance it ariſes, that the office of the aſſiſtant is the moſt laborious; as the principal buſineſs of the houſe, particularly all inquiries into matters of trade, colonies, the Eaſt India Company, &c. is generally carried on in committees; and it is the duty of the clerk-aſſiſtant to make out the reports from theſe committees, and from thoſe of the whole houſe on bills. The clerk has properly nothing to do in the houſe, but whilſt the ſpeaker is in the chair.

There is alſo a ſecond clerk-aſſiſtant.

CLERK TO THE COMMITTEE OF PRIVILEGES. There is a particular clerk appointed to attend the committee of privileges; and, as that for elections was formerly the ſame, the clerk of this committee is now directed to attend thoſe on elections; and when two or more of theſe committees are ſitting at the ſame time, the clerk of the houſe appoints others to attend as deputies.

OTHER CLERKS. There are alſo four principal clerks without doors, who in rotation attend committees; and each of theſe has a deputy. There are alſo two clerks who have the direction of the ingroſſing office, and have writing clerks under them for the ingroſſing of bills. Beſides theſe, there is a clerk appointed expreſsly to collect the fees, and diſtribute them to the ſpeaker and officers of the houſe; another clerk who has the cuſtody of the journals and papers, and who has ſeveral writing clerks under him. The office of clerk of the papers was formerly kept in the room which was anciently the court of wards; whence it has happened, that though this office has been frequently removed from place to place, the chamber in which it has been held has been always, improperly, ſtyled the court of wards. The clerk of the houſe appoints all the other clerks without doors, and their deputies by his nomination only, without any written form.

SERJEANT AT ARMS. The duty of the officer thus denominated, who attends the houſe of commons, is to keep the doors, and execute the commands of the houſe in the apprehenſion and cuſtody of offenders. It is a ſtanding order for him to take ſtrangers into cuſtody that are in the houſe or gallery whilſt the houſe is ſitting; and this order is repeated at the

the beginning of every ſeſſion. During diviſions, it is the duty of the ſerjeant, and the perſons under him, to keep every avenue into the houſe and the doors of the lobby ſhut, from before the putting of the queſtion till the final declaration, by the ſpeaker, of the determination of the houſe.

Other Officers. There are, beſides, a chaplain, a ſecretary, and train-bearer to the ſpeaker; a houſe-keeper, door keepers, and meſſengers; and the houſe employ a printer nominated by themſelves, who alone can print the journals, votes, and other proceedings.

THE CLERGY.

In this diviſion will be noticed, in general, the eccleſiaſtical eſtabliſhments throughout the kingdom; the various rites, inſtitutions, offices, authorities, and poſſeſſions originating from or dependent on the church, or its ordinances; and alſo the principal diſſenting bodies.

Chriſtianity is part of the law of England, or according to the expreſſion of an ancient ſtatute, "The ſcripture is the common law, on which all manner of laws are founded."

The preſent eſtabliſhment, called *the church of England*, aroſe out of the ſubverſion of the Romiſh religion, and the emancipation of England from the eccleſiaſtical dominion and authority of the pope, his miniſters, and his laws.

Popery. The Roman Catholic religion being profeſſed in England, as well as in moſt other parts of Europe, the encroachments of papal power made great progreſs, although not equal to that which was effected in other countries; becauſe the barons and people were at all times reſolute in maintaining the ancient common law, and not being influenced, either by menaces or by ſubtlety, to allow that it ſhould be ſuperſeded by the Roman code, or the eccleſiaſtical canons.

Origin of Mortmain. The power which might have been acquired over the adminiſtration of juſtice, being thus cautiouſly prevented, the ingenuity of the legiſlature was no leſs vigilantly exerciſed in preventing that immenſe accumulation of wealth, and particularly of landed poſſeſſions, which muſt have reſulted to the church from the perpetual acquiſition of eſtates, either by the generoſity or ſuperſtition of individual donors, or by their own ability to purchaſe continually; while they never forfeited or alienated. Againſt theſe monſtrous accumulations the ſtatutes of mortmain were directed; and it was not till after a long ſtruggle, in which every device that craft could ſuggeſt was eſſayed and repelled, that the legiſlature triumphed, and ſucceeded in eſtabliſhing practically the legal principle, that

that "corporations, ſole or aggregate, eccleſiaſtical or temporal, ſhall not, on pain of forfeiture, purchaſe lands in fee ſimple, without a licence from the crown." It is not neceſſary here to deſcribe the progreſs of this noiſeleſs, though eager conteſt; the ſyſtem eſtabliſhed was found ſo beneficial, that though aimed at firſt againſt the incroachments of the church, it has been rigidly preſerved as applying to all corporations, and, even in late years, brought to its laſt perfection. This poſſeſſion of land by corporations, is called mortmain, (*mortua manus*) becauſe the lords of the fee could receive nothing of the alienee, any more than from a dead hand, but loſt the eſcheats and ſervices before due to them.

Incroachments of the Pope. But while this great conteſt was in its progreſs, the Romiſh clergy extended their power and their wealth in every direction; in fact, the enormity of the poſſeſſions they had already acquired firſt arouſed the attention of government, and occaſioned thoſe efforts which they ſo long and ſo artfully parried. The ancient Britiſh church, by whomſoever planted, was a ſtranger to the biſhop of Rome, and all his pretended authority. But the pagan Saxon invaders having driven the profeſſors of Chriſtianity to the remoteſt corners of our iſland, and their own converſion being effected by Auguſtin the monk, and other miſſionaries from Rome, ſome of the papal corruptions in faith and doctrine were naturally introduced; although we read of no civil authority claimed by the pope in theſe kingdoms, till the era of the Norman conqueſt. William's invaſion having been favoured, his hoſt bleſſed, and his banners conſecrated by the pope; he in return ſanctioned ſpiritual encroachments, hoping alſo to humble the Saxon clergy, and aggrandize his Norman prelates; who, being bred in the doctrine and practice of ſlavery, took pleaſure in rivetting the chains of a free-born people. Thus the authority of the pope was eſtabliſhed and extended. His legates *a latere* were introduced, his bulls and decretal epiſtles became the rule both of faith and diſcipline, his judgment was the final reſort in all caſes of doubt or difficulty, his decrees were enforced by anathemas and ſpiritual cenſures, he even dethroned kings that were refractory, and denied to whole kingdoms (when undutiful) the exerciſe of Chriſtian ordinances, and the benefits of the Goſpel.

For the purpoſe of maintaining power on the baſis of property, every ſpecies of deluſion and extortion was carried into effect. The doctrine of purgatory was introduced, and with it the purchaſe of maſſes to redeem the ſouls of the deceaſed. New-fangled offences were created, and indulgencies were ſold to the wealthy, for liberty to ſin without danger. The canon

law

law took cognizance of crimes, injoined penance *pro ſalute animæ*, and commuted that penance for money. Non-reſidence and pluralities among the clergy, and marriages among the laity related within the ſeventh degree, were ſtrictly prohibited by canon; but diſpenſations were ſeldom denied to thoſe who could afford to buy them. The uſurpation of eccleſiaſtical benefices was general, and of alarming extent. The pope became a feodal lord; and all ordinary patrons were to hold their right of patronage under him as univerſal ſuperior. Benefices in the church were brought to aſſimilate with eſtates held by feodal tenure; inſtitution and induction by the biſhop, and under his authority being uſed, inſtead of inveſtiture by the lord; the tenths collected annually from the clergy were equivalent to the rents paid by tenants; the oath of canonical obedience was copied from that of fealty required from the vaſſal by his ſuperior; the *primer ſeiſins* of our military tenures, whereby the firſt profits of an heir's eſtate were extorted by his lord, gave birth to an exaction of firſt-fruits from the beneficed clergy; the occaſional aids and talliages, levied by the prince, furniſhed the pope with a pretext to levy, by means of his legates *a latere*, peter-pence and other taxations; and the eſcheat of lands to the lord for defect of legal heirs was copied in the lapſe of benefices to the biſhop on non-preſentation.

At length the holy father went a ſtep beyond any example of either emperor or feodal lord. He reſerved to himſelf, by his own apoſtolical authority, the preſentation to all benefices which became vacant while the incumbent was abſent in viſiting the court of Rome, and ſuch alſo as became vacant by promotion to a biſhopric or abbey; even though by right or cuſtom they ought to have been filled by election, or in any other manner. Diſpenſations to avoid theſe vacancies begat the doctrine of *commendams*: and papal proviſions were the previous nomination to ſuch benefices, by a kind of anticipation, before they became actually void: though afterwards indiſcriminately applied to any right of patronage exerted or uſurped by the pope.

In conſequence of theſe crafty devices, the beſt livings were filled by Italian and other foreign clergy, equally unſkilled in, and adverſe to, the laws and conſtitution of England. The nomination to biſhoprics, that ancient prerogative of the crown, was wreſted from Henry I. and afterwards from his ſucceſſor king John; it was ſeemingly indeed conferred on the chapters belonging to each ſee; but by means of the frequent appeals to Rome, through the intricacy of the laws which regulated canonical elections, it was eventually veſted in the pope. And

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to ſum up this head with a tranſaction moſt unparalleled and aſtoniſhing in its kind, pope Innocent III. had at length the effrontery to demand, and king John had the meanneſs to conſent to, a reſignation of his crown to the pope, whereby England was to become for ever St. Peter's patrimony; and the daſtardly monarch re-accepted his ſceptre from the hands of the papal legate, to hold as the vaſſal of the holy ſee, at the annual rent of a thouſand marks.

Not content with the ample proviſion of tithes, which the law of the land had given to the parochial clergy, the Romiſh prieſthood endeavoured to graſp at the lands and inheritances of the kingdom. To this end they introduced the monks of the Benedictine and other rules, men of ſour and auſtere religion, ſeparated from the world and its concerns by a vow of perpetual celibacy, yet faſcinating the minds of the people by pretences to extraordinary ſanctity, while all their aim was to aggrandize the power and extend the influence of their grand ſuperior the pope. And as, in thoſe times of civil tumult, rapine and violence were daily committed by overgrown lords and their adherents, they were taught to believe, that founding a monaſtery a little before death would atone for a life of incontinence, diſorder, and bloodſhed. Hence innumerable abbeys and religious houſes were built within a century after the conqueſt, and endowed, not only with the tithes of pariſhes, which were raviſhed from the ſecular clergy, but alſo with lands, manors, lordſhips, and extenſive baronies. And the doctrine inculcated was, that whatever was ſo given to, or purchaſed by the monks and friars, was conſecrated to God himſelf; and that to alienate or take it away, was no leſs than the ſin of ſacrilege.

Many contrivances were practiſed by the court of Rome, for effecting an entire exemption of its clergy from any intercourſe with the civil magiſtrate: ſuch as the ſeparation of the eccleſiaſtical court from the temporal; the appointment of its judges by merely ſpiritual authority, without any interpoſition from the crown; the excluſive juriſdiction it claimed over all eccleſiaſtical perſons and cauſes; and the *privilegium clericale*, or benefit of clergy, which delivered all clerks from any trial or puniſhment except before their own tribunal. Yet, although this plan of pontifical power was ſo deeply laid, and ſo indefatigably purſued through a long ſucceſſion of ages; notwithſtanding it was poliſhed and improved by the united endeavours of a body of men, who engroſſed all the learning of Europe for centuries together; notwithſtanding it was firmly and reſolutely executed by perſons the beſt calculated for eſtabliſhing tyranny and deſpotiſm, men fired with a bigoted enthuſiaſm, unconnected with their fellow ſubjects, and totally indifferent what might befal

that

that poſterity to which they bore no endearing relation :—yet it vaniſhed into nothing when accurately diſcerned and vigorouſly oppoſed.

Origin of Præmunire. While the ſtatutes of mortmain were providing a ſlow preventative againſt the territorial aggrandizement of this uſurping hierarchy, Edward I., juſtly named for his wiſdom in adminiſtration the Engliſh Juſtinian, levelled at the general power of the pope a more deciſive blow. He would not ſuffer his biſhops to attend a general council, till they had ſworn not to receive the papal benediction. He made light of all Romiſh bulls and proceſſes; attacking Scotland in defiance of one; and ſeizing the temporalities of his clergy, who, under pretence of another, refuſed to pay a tax impoſed by parliament; he ſtrengthened the ſtatutes of mortmain; thereby cloſing the great gulph in which all the lands of the kingdom were in danger of being ſwallowed; and one of his ſubjects having obtained a bull of excommunication againſt another, he ordered him to be executed as a traitor, according to the ancient law. In the thirty-fifth year of his reign was made the firſt ſtatute againſt papal proviſions, being, according to Sir Edward Coke, the foundation of all the ſubſequent ſtatutes of *præmunire*. After this reign the papal power was never re-eſtabliſhed in England in its former plenitude. Edward II., a weak and miſguided prince, would have receded from the magnanimous and juſt deciſions of his father, but the parliament oppoſed the demolition of thoſe ramparts for the protection of civil liberty, and made it one of their charges againſt the monarch, when he was depoſed, that he had given allowance to the bulls of the ſee of Rome. The third Edward, poſſeſſing all the ſpirit of his grandfather, completed the work which that prudent monarch had begun. He firſt, in conjunction with his nobility, remonſtrated with the pope by letter, but receiving a menacing and contemptous anſwer, that the emperor and king of France had already ſubmitted in the very matters of which he complained, he replied, that if both the emperor and the French king ſhould take the pope's part, he was ready to give battle to both in defence of the liberty of his crown. The pope had ſoon reaſon to be convinced that this reſolution was not a mere idle defiance, for ſtatutes were enacted, that the court of Rome ſhould not preſent or collate to any biſhoprick or living in England; and that whoever ſhould diſturb any patron in the preſentation to a living by virtue of a papal proviſion, ſhould pay fine and ranſom to the king at his will, and be impriſoned till he renounced ſuch proviſion; the ſame puniſhment was inflicted on ſuch as cited the king, or any of his ſubjects, to anſwer in the court of Rome; and when the

holy ſee reſented theſe proceedings, and Pope Urban V. attempted to revive the vaſſalage and annual rent to which John had ſubjected his kingdom, it was unanimouſly agreed by all the eſtates of the realm in parliament aſſembled, that King John's donation was null and void, being without the concurrence of parliament, and contrary to his coronation oath; and all the temporal nobility and commons engaged, that if the pope ſhould endeavour by proceſs or otherwiſe to maintain theſe uſurpations, they would reſiſt and withſtand him with all their power. In the reign of Richard II. it was found neceſſary to ſharpen and ſtrengthen theſe laws, and therefore it was enacted, firſt, that no alien ſhould be capable of letting his benefice to farm; in order to compel ſuch as had crept in, at leaſt to reſide on their preferments: and, afterwards, that no alien ſhould be capable of preſentation to any eccleſiaſtical preferment, under the penalty of the ſtatutes of proviſors. By the ſtatute 12 Ric. II. c. 15. all liegemen of the king, accepting of a living by any foreign proviſion, are put out of the king's protection, and the benefice made void; to this the ſtatute 13 Ric. II. ſt. ii. c. 2. adds baniſhment and forfeiture of lands and goods: and by c. 3. of the ſame ſtatute, any perſon bringing over any citation or excommunication from beyond ſea, on account of the execution of the foregoing ſtatutes of proviſors, was to be impriſoned, forfeit his goods and lands, and, moreover, ſuffer pain of life and member. In the writ for the execution of all theſe ſtatutes the words *præmunire facias* being uſed to command the citation of a party, it has become uſual in common ſpeech, and in legal writing, to denominate not only the writ but the offence againſt which it is directed by the name of *præmunire*. The next ſtatute therefore which was made againſt the incroachments of Rome, the 16 Ric. II. c. 5., is generally called the ſtatute of *præmunire*; it enacts, that whoever procures at Rome, or elſewhere, any tranſlations, proceſſes, excommunications, bulls, inſtruments, or other things which touch the king, againſt him, his crown, and realm, and all perſons aiding or aſſiſting therein, ſhall be put out of the king's protection, their lands and goods forfeited to the king's uſe, and they ſhall be attached by their bodies to anſwer to the king and his council: or proceſs of *præmunire facias* ſhall be made out againſt them as in other cases of proviſors. By the ſtatute 2 Hen. IV. c. 3. all perſons who accept any proviſions from the pope, to be exempt from canonical obedience to their proper ordinary, are alſo ſubjected to the penalties of *præmunire*.

Its Effects. Theſe beneficial and wiſe exertions had the immediate effect of making the Engliſh church national, and engaging its dignitaries, by patriotic feeling, to ſupport the

claims of government to abſolute independency. Accordingly in the reign of Henry V. the alien priories, or abbeys for foreign monks, were ſuppreſſed and their lands given to the crown. And in that of Henry VI. the archbiſhop of Canterbury refuſed conſecration to a biſhop nominated by the pope; and would not exert his influence in obtaining a repeal of the ſtatute of *præmunire*, though expreſsly required by Pope Martin V. who ſtyled it, as well he might, *execrabile illud ſtatutum*.

THE REFORMATION. Of theſe meaſures againſt papal tyranny and avarice, traces ſtill remain in our eccleſiaſtical and civil government, but the *reformation* finally overthrew and aboliſhed the authority of the pope and his religion in England. Without entering into a minute hiſtorical detail, it may be ſufficient here to ſtate, that, actuated by motives far removed from virtue or religion, Henry VIII., a capricious, paſſionate, relentleſs tyrant, bent all his force againſt the poſſeſſions and authority of the pope and the Romiſh clergy; he renounced the authority of the ſovereign pontiff altogether, claiming to himſelf the title of head of the church; he allowed a tranſlation of the holy ſcriptures to be generally circulated; and the litany and part of the public ſervice to be performed in Engliſh inſtead of Latin; and he cauſed a ſet of articles to be drawn up by a convocation for fixing the public faith. In all theſe tranſactions, although the king defaced what was good by the marks of his own peculiar temper and character, yet he could not prevent the eventual benefit which muſt flow to the nation from the unrooting of an inveterate tyranny, no leſs injurious to the mind than degrading to the perſon. Henry, when he abrogated the ſupremacy of the pope, eſtabliſhed in his own perſon a tyranny more violent, capricious, and oppreſſive in its immediate effect than that of the pretended ſucceſſor of St. Peter; but a new uſurpation is ever leſs formidable than a confirmed tyranny, eſtabliſhed and ſupported by the zeal, the hopes, and the fears of the majority of the people. Beſides, a domeſtic oppreſſor is ever more eaſily counteracted than a foreign one, who executes his beheſts by means of agents who muſt obey but cannot diſcuſs, who muſt enforce but cannot reverſe, or even mitigate the decree. The publication of the Bible was to many a ſnare, ſince a reference to the original text would induce them to depart from thoſe errors of the Romiſh church which the king was determined to maintain, and to embrace the opinions of ſome of thoſe proteſtant teachers whom the king made a merit to perſecute; but the bleſſing derived from the general peruſal of holy writ is too abundant, and its good effects on all claſſes too evident to permit a momentary regret of the firſt conſequences that enſued. The tranſlation of the

common prayer has introduced, inſtead of a ſeries of mere external obſervances, a rational and fervent piety, equally edifying in public worſhip, and beneficial in private devotion. And although the articles of faith fixed by Henry's convocation were neither wiſe nor compatible with any ſyſtem of religion, yet the adoption of them formed a precedent which was afterwards moſt wiſely and beneficially followed.

But the great effort made by this king, and which gave a blow to the papal power which could never be recovered, was the ſuppreſſion of monaſtic eſtabliſhments, and the ſeizure of their lands and revenues. In this proceeding he exhibited not one virtuous or honourable feature, but its conſequences were extremely advantageous to religious, and conſequently to political freedom. Fury guided and rapacity cloſed his hand; but it was opened again by a negligent prodigality, and the poſſeſſions of the church, which might have rendered the crown permanently independent, thoughtleſsly diſtributed among favourites and friends of every claſs, contributed only to the formation of thoſe ample family eſtabliſhments which are the ornament and bulwark of a ſtate. It were needleſs here to diſcuſs the exact portion of truth which was contained in the report of the viſitors on which the ſuppreſſion of monaſtic inſtitutions was founded, or to recapitulate all the benefits attending thoſe eſtabliſhments, and which were deſtroyed with them. The general good which reſulted from theſe meaſures was the ſuppreſſion of thoſe repoſitories whence the ſupporters of the old eccleſiaſtical ſyſtem might, at a future day, have iſſued with renewed ſtrength; and, reſuming their influence over the public, deſtroyed all the efforts which had been made towards the attainment of religious freedom. On the whole the king, at different times, ſuppreſſed ſix hundred and forty-five monaſteries, of which twenty-nine had abbots that enjoyed a ſeat in parliament*. Ninety colleges were alſo demoliſhed, with two thouſand three hundred and ſeventy-four chauntries and free chapels, and an hundred and ten hoſpitals.

At this time it is rather a matter of curious than uſeful information to give a brief deſcription of the different claſſes of individuals whoſe property was thus alienated, but yet it will not, to readers in general, be unacceptable.

* Theſe were, the abbot of Tewkeſbury, the prior of Coventry, the abbots of Waltham, Cirencester, St. John's at Colcheſter, Croiland, Shrewſbury, Selby, Bardney, St Benner's of Hulme, Thorney, Hide, Winchelcomb, Battel, Reading, St. Mary's in York, Ramſey, Peterburgh, St. Peter's in Glouceſter, Glaſtonbury, St. Edmond's Bury, St Auſtin's in Canterbury, St. Albans, Weſtminſter, Abingdon, Eveſham, Malmſbury, and Taviſtock; and the prior of St. John's of Jeruſalem, who was ſtyled the firſt baron of England, but it was with reſpect to the lay barons only, for he was the laſt of the ſpiritual barons.

MONKS.

MONKS.—1. *Benedictines.* Theſe followed the rule of St. *Benedict,* or Bennet; from the colour of their outward habit they were generally called black monks. They were eſtabliſhed in England about the year 596. Of this order were all the cathedral priories except Carliſle; and moſt of the richeſt abbies; it included nuns as well as monks.

2. *Cluniacks.* A reformation of ſome things which ſeemed too remiſs on St. Benedict's rule was begun by Bemon, abbot of Gigni in Burgundy, and increaſed and perfected by Odo, abbot of *Cluni,* about the year 912; who gave riſe to the Cluniac order, which was the firſt and principal branch of the *Benedictines.* They lived under the rule of St. Benedict, and wore a black habit; but, obſerving a different diſcipline, were called by a different name. William earl Warren, ſon-in-law to the Conqueror, brought them into England, and built their firſt houſe at Lewes in Suſſex, about the year 1077. All their monaſteries were governed by foreigners, and contained more French than Engliſh monks; but many were made denizens, and all at laſt diſcharged from ſubjection to foreign abbies. They had 27 priories and cells in England.

3. *Grandmontines.* This order was inſtituted at *Grandmont* in Limoſin. The monks lived under the rule of St. Benedict with ſome little variation. They were brought into England in the reign of Henry I. and ſeated at Abberbury in Shropſhire; beſides which it does not appear that they had more than two houſes in England; viz. Creſſewell in Herefordſhire, and Groſmont, or Eſkedale, in Yorkſhire.

4. *Carthuſians.* Theſe were alſo a branch of the Benedictines to whoſe rule they added many auſterities. Their author was one Bruno, born at Cologne in Germany, who firſt inſtituted this order at *Chartreux (Cartuſia)* in the dioceſe of Grenoble in France. Their houſes were called *Chartreux houſes* which by corruption has degenerated into *charter houſes.* They were never to eat fleſh, and obliged to feed on bread, water, and ſalt, one day in every week. They wore a hair ſhirt next their ſkins, and were allowed to walk only about their own grounds once a week. They were brought into England by Henry II., had their firſt houſe at Witham in Somerſetſhire, and, ſubſequently, eight others. Their habit was all white except their outward plaited cloak which was black.

5. *Ciſtertians, or Bernardines.* Theſe were another branch of Benedictines deriving their name from *Ciſtertium* or *Ciſteaux,* in the biſhoprick of Chalons in Burgundy, where they were firſt inſtituted. They were alſo called *Bernardines,* from St. *Bernard,* abbot of Clairvaux, a great promoter of this order, and, from the colour of their habit, *White Monks.* Their monaſteries,

which became very numerous in a ſhort time, were generally founded in ſolitary and uncultivated places, and all dedicated to the bleſſed Virgin. They came into England in 1128, had their firſt eſtabliſhment at Waverley in Surry, and, before the diſſolution, eighty-five houſes.

6. *Grey Friars.* The order of *Savigni*, or Grey Friars, *(Fratres Griſei)*, was founded by Vitalis de Mortain, who began to gather diſciples in the foreſt of *Savigni* in France, about the year 1105. He gave his diſciples the rule of St. Benedict, with ſome peculiar conſtitutions: and from their *grey habit*, they received their general denomination. Vitalis came into England in 1120; and probably introduced his order, which was ſhortly after united to the Ciſtertians.

7. *Tironenſes.* The order of *Tiron* was inſtituted by St. Bernard; and their name derived from their firſt monaſtery, which was founded at *Tiron*, about the year 1109. They were reformed Benedictines. They had no houſe in England, and only one abbey in Wales at St. Dogmael's, with its dependent priory at Pille, and cell at Caldey.

8. *Culdees.* The *Culdees*, or *Cultores Dei*, were Scotch monks, and of the ſame rule with the Iriſh ones. They had no houſe but at St. Peter's in York, and their inſtitution there ſeems to have ariſen from the connexion anciently ſubſiſting between the metropolitan ſee of York and the kingdom of Scotland; for until the year 1466, the archbiſhop of York had juriſdiction over all the biſhops of Scotland, who had their conſecration from him, and ſwore canonical obedience to him.

CANONS.—1. *Secular.* Beſides the monks there were alſo *Canons* who were of two ſorts, regular and ſecular. The ſecular were ſo called becauſe they converſed *in ſeculo*, abroad in the world, performed ſpiritual offices to the laity, took upon them the cure of ſouls, (which the regulars could not do without diſpenſation,) and differed in nothing almoſt from common prieſts, ſave that they were under the government of ſome local ſtatutes. For though they were in ſome places confined to live under one roof, as the monks and regular canons did, yet they generally lived apart, and were maintained by diſtinct prebends, almoſt in the ſame manner with the canons and prebendaries of cathedral and collegiate churches at this day.

2. *Regular* canons were ſuch as lived under ſome rule. They were leſs ſtrict than the monks, but lived together under one roof; had a common dormitory and refectory, and were obliged to obſerve the ſtatutes of their order.

3. *Auguſtines.* The chief rule for theſe canons was that of *St. Auſtin.* But they were but little known till the tenth or eleventh

eleventh century, they were not brought into England till after the conqueſt, and ſeem not to have obtained the name of Auſtin canons till about the year 1105. Their habit was a long black caſſock, with a white rochet over it, and over that a black cloak and hood; whence they were called Black Canons regular of St. Auſtin. There were about 175 houſes of theſe canons and canoneſſes in England and Wales.

4. *Order of St. Nicholas.* But beſides the common and regular ſort of theſe canons, there were alſo particular ſorts; as firſt, ſuch as obſerved St. Auſtin's rule, according to the regulations of *St. Nicholas of Arroaſia;* as thoſe of Harewood, in Bedfordſhire; Nutley or Crendon, in Buckinghamſhire; Hertland, in Devonſhire; Brunne, in Lincolnſhire; and Lilleſhul, in Shropſhire.

5. *St. Victor.* Others there were of the rule of St. Auſtin, and order of *St. Victor;* as at Keynſham and Worſpring, in Somerſetſhire; and Wormeſley, in Herefordſhire.

6. *St. Mary of Merton.* Others of the order of St. Auſtin, and the inſtitution of St. Mary of *Meretune*, or *Merton;* as at Buckenham, in Norfolk.

7. The *Præmonſtratonſes* were canons who lived according to the rule of St. Auſtin, reformed by St. Norbert, who ſet up this regulation about the year 1120, at Premonſtré *(Præmonſtratum)* in Picardy, a place ſo called becauſe it was ſaid to have been foreſhewn or *præmonſtrated* by the bleſſed virgin, to be the head ſeat and mother church of this order. Theſe canons were, from their habit, called white canons. They were brought into England ſoon after the year 1140, and ſettled firſt at Newhouſe, in Lincolnſhire. They had in England a conſervator of their privileges, but were nevertheleſs often viſited by their ſuperiors at Premonſtré, and continued under their juriſdiction till the year 1512, when they were exempted from it by the bull of pope Julius II. confirmed by Henry VIII. and the ſuperiority of all the houſes of this order in England and Wales was given to the abbot of Welbeck, in Nottinghamſhire.—There were about 35 houſes of this order.

8. The Sempringham or *Gilbertine* canons were inſtituted by *St. Gilbert*, at Sempringham, in Lincolnſhire, in 1148. He compoſed his rule out of thoſe of St. Auſtin and St. Benedict, with ſome ſpecial ſtatutes. The men and women lived in the ſame houſes, but in different apartments, which had no communication with each other. At the diſſolution there were about 25 houſes of this order in England and Wales.

9. Canons regular of the *holy ſepulchre*, were inſtituted in the beginning of the 12th century, in imitation of the regulars inſtituted in the church of the holy ſepulchre of our Saviour at

Jeruſalem. Their firſt houſe in England was at Warwick; it was begun for them by Henry de Newburgh, earl of Warwick, who died in 1123, and perfected by his ſon Roger. They are ſometimes called Canons of the *Holy Croſs*, and wore the ſame habit with the other Auſtin canons, diſtinguiſhed only by a double red croſs on the breaſt of their cloak or upper garment. The endeavours of this order for regaining the holy land, coming to nothing after the loſs of Jeruſalem in 1188, it fell into decay, the revenues and privileges were moſtly given to the Maturine friars, and only two houſes remained at the diſſolution.

NUNS. There were, beſide the Benedictine and Gilbertine nuns before-mentioned, Cluniac, Ciſtertian, Carthuſian, Auſtin, and Præmonſtratenſian nuns, who followed the ſame rules with their reſpective monks, omitting only what was not proper for their ſex, and wore habits of the ſame colour, having their heads always covered with a veil.

There were three other orders of religious women in England.

1. *Fontevrault* nuns, of the order of *Fontevrault*, which was inſtituted about the latter end of the eleventh century, by one Robert, furnamed de Abriſſel, at *Fontevrault*, in Poictiers, where he built an abbey for his followers, ſoon after the year 1100. Though this order (which was a reform of the Benedictine,) was chiefly for women, yet beyond ſea they had alſo religious men living among them in different apartments; but they were under the government of the abbeſs, who was made the general ſuperioreſs and head of the order.—Theſe nuns were brought into England by Robert Boſſu, earl of Leiceſter, before the year 1161, and placed at Nun-Eaton, in Warwickſhire; but there were only two houſes more of this order in England, and there is no expreſs account of any monk in any of them, but only of a prior at Nun-Eaton.

2. *St. Clare*. The nuns of *St. Clare* were founded by her, whoſe name they bear, at Aſſiſe in Italy, about the year 1212. Theſe nuns obſerving St. Francis's rule, and wearing the ſame coloured habit with the Franciſcan friars, were often called *Minoreſſes*, and their houſe without Aldgate the *Minories*. They were likewiſe called the *Poor Clares*, probably from their ſcanty endowments. They were brought into England by Blanch, queen of Navarre, who was wife to Edmund, earl of Lancaſter, Leiceſter, and Derby, about the year 1293. Beſide that without Aldgate, there were but three houſes of this order in England, viz. Waterbeache and Denny, in Cambridgeſhire, and Bruſyard, in Suffolk.

3. *Order of St. Bridget*. The *Brigittines*, or nuns of our

Holy Saviour, were inſtituted by *St. Bridget*, princeſs or ducheſs of Nericia, in Sweden, about the middle of the 14th century, under the rule of St. Auſtin, with ſome additions of her own. This order, though chiefly for women, had likewiſe men in every convent (who lived in different apartments, and were not permitted to come near the women but in caſes of great neceſſity,) and differed from all other inſtitutions, in requiring a particular number of men and women in every houſe, to wit, 60 nuns, 13 prieſts, 4 deacons, and 8 lay brethren. There ſeems to have been only one houſe of this order in England, namely, at Syon, in Middleſex, founded by Henry V. about the year 1414.

FRIARS. The *Friars (fratres, brethren)* were: 1. The *Dominicans*; whoſe founder was *St. Dominic*, a Spaniard, who was born about the year 1070. They were called *Preaching Friars*, from their office to preach and convert hereticks; *Black Friars*, from their garments; and in France, *Jacobins*, from having their firſt houſe in *la rue de Saint Jaques*, at Paris. Their rule was chiefly that of St. Auſtin. They came into England in the year 1221, had their firſt houſe at Oxford, and at the diſſolution about 42 others. There were nuns alſo of this order, but not in England.

2. The *Franciſcans*, who received their rule from *St. Francis*, an Italian, in the year 1182. They were alſo called *Grey*, or *Minor* Friars, the one from their cloathing, the other they aſſumed out of pretended humility. They girded themſelves with cords, and went barefoot. They came into England in 1224, and had their firſt houſe at Canterbury, and their ſecond at London. Their diſcipline becoming relaxed, and a reform being adopted, the Franciſcans were divided. Thoſe who continued under the relaxation, were called *Conventuals*; thoſe who accepted the reformation, *Obſervants* or *Recollects*. At the diſſolution, the conventual Franciſcans had about 55 houſes, which were under ſeven cuſtodies or wardenſhips; viz. thoſe of London, York, Cambridge, Briſtol, Oxford, Newcaſtle, and Worceſter. As to the *Capuchins*, and other diſtinctions of the Franciſcans beyond the ſeas; they chiefly aroſe ſince the Engliſh reformation, and never had any place here.

3. The *Trinitarians*, *Maturines*, or friars of the order of the *Holy Trinity*, for the redemption of captives, were inſtituted by St. John de Matha, and Felix de Valois, in France, about the year 1197. The rule was that of St. Auſtin, with ſome peculiar conſtitutions. Their revenues were to be divided into three parts, one for their own ſupport and maintenance, another to relieve the poor, and a third to redeem ſuch Chriſtians as ſhould be taken captives by the Infidels. They were called *Trinitarians*,

Trinitarians, becauſe all their churches were dedicated to the *Holy Trinity*; and *Maturines*, from having their firſt houſe in Paris, near *St. Mathurin's* chapel. They were brought into England in the year 1224; where the lands, revenues, and privileges of the canons of the holy ſepulchre were given to them on the decay of that order; and had their firſt houſe at Mottenden, in Kent. They had about 10 or 12 houſes in England and Wales.

4. The *Carmelite* or *White Friars*, (the former of which names they had from the place of their firſt reſidence, and the latter from the colour of their habit) came next into this kingdom. They were alſo called brethren, or friars of the *bleſſed Virgin*. They pretended to great antiquity, but the firſt certain account we have of them is at Mount *Carmel*, in Paleſtine, about the year 1233. Their rule was chiefly that of St. Baſil. They were brought into England in the year 1240, by the lords, John Veſey and Richard Grey, and had their firſt houſes at Alnwick, in Northumberland, and Ailesford, in Kent. Of this order there were about 40 houſes in England and Wales.

5. The order of *Croſſed* or *Crouched* friars was inſtituted, or at leaſt reformed, by one Gerard, prior of St. Mary of Morello, at Bologna; and confirmed in the year 1169, by pope Alexander III. who brought them under St. Auſtin's rule, and made ſome other conſtitutions for their government. At firſt they carried a *croſs*, fixed to a ſtaff in their hands, and afterwards had one of red cloth ſewed on their backs or breaſts. They came into England in the year 1224, and had their firſt houſe at Colcheſter. There were not above 6 or 7 houſes of theſe friars.

6. *Auſtin* friars, or friars *Eremites*, of the order of St. Auſtin; their origin is very uncertain; they were brought into England about the year 1250, they had about 32 houſes at the ſuppreſſion.

7. The friars of the *Sac* firſt appeared in England in the year 1257. Their proper ſtyle was, *friars of the penance of Jeſus Chriſt*; but they were called friars of the *Sac*, from their habit being either ſhaped like a *ſack*, or made of *ſackcloth*. They had their firſt houſe near Alderſgate, London; but their order was very ſhort lived here, being put down by the council at Lyons, in 1307.

8. The *Bethlemite* friars came alſo in the year 1257. They had their rule and habit much like thoſe of the Dominicans, but were diſtinguiſhed by a red ſtar of five rays, with a blue circle in the middle, worn on their breaſts in memory of the ſtar, which appeared to the wiſe men, and conducted them to *Bethlehem*. They were placed in Trumpington ſtreet, at Cambridge,

Cambridge, the firſt year they came over; and that ſeems to have been their only houſe in England.

9. The order of *St. Anthony of Vienna*, was inſtituted in the year 1095, for the help and relief of perſons afflicted with St. Anthony's fire. The friars followed St. Auſtin's rule; came hither early in the reign of Henry III. and had one houſe at London, and another at Hereford.

10. *Bonhommes*, or *good men*, were brought hither by Edmund earl of Cornwall, in 1283, and placed at Aſherig, in Bucks; beſide which, they had another houſe, called Edington, in Wiltſhire; theſe friars followed the rule of St. Auſtin, and wore a blue habit.

MILITARY ORDERS.—1. *Knights Hoſpitelers*, who took their name from an *hoſpital* built at Jeruſalem, dedicated to St. John the Baptiſt, where their firſt buſineſs was to provide for pilgrims coming to the holy land, and protect them from injuries and inſults on the road. They were inſtituted about the year 1092, following chiefly St. Auſtin's rule, and wearing a black habit, with a white croſs upon it. They ſoon came into England, and had an houſe in London; from a poor and mean beginning, they obtained great wealth, honours, and exemptions. On their ſettling chiefly at Rhodes, after being driven out of the holy land, they were called Knights of Rhodes; and after the loſs of that, in the year 1522, Malta being given to them by the emperor Charles V. they were called Knights of Malta.

There were alſo ſiſters of this order; but they had only one houſe at Buckland, in Somerſetſhire.

2.—The *Knights Templars*, inſtituted in the year 1118, were ſo called from having their firſt reſidence in ſome rooms adjoining to the *temple* at Jeruſalem; their buſineſs was to guard the roads for the ſecurity of pilgrims in the Holy Land; and their rule that of canons regular of St. Auſtin. Their habit was white, with a red croſs on the left ſhoulder. Their coming into England was probably early in the reign of King Stephen; and their firſt ſeat was in Holborn. They increaſed very faſt, and in a little time obtained large poſſeſſions. But in leſs than 200 years, their wealth and power were thought too great; they were accuſed of horrid crimes, impriſoned, their eſtates ſeized, and their order ſuppreſſed by pope Clement V. in a general council at Vienna, in the year 1312.

3.—The order of *St. Lazarus of Jeruſalem*, ſeems to have been founded for the relief and ſupport of lepers and impotent perſons of the military orders.

OF THE SEVERAL KINDS OF HOUSES. The houſes belonging to theſe orders were,

1. *Cathedrals*, a name yet well known, and deſcribed in a ſubſequent page.

2. *Collegiate*

2. *Collegiate churches* and colleges, which conſiſted of a number of ſecular canons living together under the government of a dean, warden, provoſt, or maſter; and having, for the more ſolemn performance of divine ſervice, chaplains, ſinging-men, and choriſters.

3. An *abbey* was a ſociety of religious people, having an abbot or abbeſs to preſide over them. Some of theſe were ſo conſiderable, that the abbots were called to parliament, and had ſeats and votes in the houſe of lords. Fuller ſays, that in the 49th Henry III. ſixty-four abbots, and thirty-ſix priors, were called to parliament; but this number being too great, Edward I. reduced it to twenty-five abbots and two priors, to whom were afterwards added two abbots.

4. A *priory* was a ſociety of religious, where the chief perſon was termed a prior or prioreſs. Some of theſe priors were independent; others ſubject to be removed by the abbot of ſome great abbey to which the priory was ſubordinate. There were alſo alien priories, founded on the donations made to foreign monaſteries.

5. *Preceptories* were manors or eſtates of the knights templars, where churches and convenient houſes were erected, and placed under the government of ſome of the more eminent templars.

6. *Commandries* were the ſame among the knights hoſpitalers, as preceptories were amongſt the templars.

7. *Hoſpitals* were houſes for relief of the poor and impotent, incorporated by royal patents, and made capable of gifts and grants in ſucceſſion. They generally contained a maſter or prior, and one or two chaplains and confeſſors, who obſerved the rule of St. Auſtin, and probably ſubjected the poor and impotent to ſome religious reſtraints, as well as to the local ſtatutes.

8. *Frieries* were houſes erected for the habitation of friars, although ſeldom endowed; many were large and ſtately buildings, and had noble churches, in which many great perſons choſe to be buried. The friars being, by their profeſſion, mendicants, could have no property, but moſt of their houſes had ſhops or gardens belonging to them.

9. *Hermitages* were religious cells, erected in private and ſolitary places, for ſingle perſons or communities, many times endowed, and ſometimes annexed to larger religious houſes.

10. *Chauntries (cantariæ)* were endowments of lands or other revenues, for the maintenance of one or more prieſts, to celebrate daily maſs for the ſouls of the founder and his relations, and of their other benefactors; ſometimes at a particular altar, and often in little chapels added to cathedral and parochial churches for that purpoſe.

OFFICERS. 1. In every abbey the chief officer, called the *abbot*

bot or *abbeſs*, preſided in great pomp, was generally called lord or lady, and had a kitchen, and other offices diſtinct from the common ones of the ſociety.

2. The *prior* or *prioreſs*, who had the ſame power in priories as abbots and abbeſſes had in abbies, but lived in a leſs ſplendid manner, though in ſome of the greater houſes they were called lord and lady.

3. The abbots had ſubordinate officers to govern the houſes, called *priors*, *ſub-priors*, and, in great abbies, third, fourth, and even fifth priors. In priories the officer next under the prior was the *ſub-prior*, whoſe appointment was ſimilar to that of prior in an abbey: they were all removable at pleaſure.

4. *Magiſter operis*, maſter of the fabrick, who ſuperintended repairs.

5. *Eleemoſynarius*, the almoner.

6. *Pitantiarius*, who had the care of the *pietances*; which were allowances, upon particular occaſions, over and above the common proviſions.

7. *Sacriſta*, the ſexton, who took care of the veſſels, books, and veſtments belonging to the church, the oblations at the great altar, and other altars and images in the church, and ſuch legacies as were given, either to the fabrick or utenſils. He likewiſe provided bread and wine for the ſacrament, and took care of burying the dead.

8. *Camerarius*, the chamberlain, who had the chief care of the dormitory, and provided beds and bedding for the monks, razors and towels for ſhaving them, and part of their cloathing.

9. *Cellarius*, the cellarer, who was to procure proviſions, wood for firing, and kitchen utenſils.

10. *Theſaurarius*, the burſar, who received rents and revenues, and paid expences.

11. *Precentor*, the chaunter, who had the chief care of the choir-ſervice. He had alſo the cuſtody of the ſeal, kept the liber diurnalis, or chapter book, and provided parchment and ink for the writers, and colours for the limners of books for the library.

12. *Hoſtilarius*, or *hoſpitilarius*, whoſe buſineſs it was to ſee ſtrangers well entertained.

13. *Infirmarius*, who had the care of the infirmary, and of the ſick monks; and when they died was to waſh and prepare their bodies for burial.

14. *Refectionarius*, who looked after the hall, providing table-cloths, napkins, towels, diſhes, plates, ſpoons, and other neceſſaries for it, and ſervants to wait. He had likewiſe the keeping of the cups, ſalts, ewers, and all the ſilver utenſils whatſoever belonging to the houſe, except the church plate.

15. *Coquinarius*, the cook.

16. *Gardinarius*,

16. *Gardinarius*, the gardener.

17. *Portarius*, who took care of the carriages, but was a different officer from the *janitor* or *porter*.

18. In every great abbey there was a large room, called the *ſcriptorium*, where ſeveral writers transcribed the miſſals, liegers, and other books for the uſe of the houſe, and more eſpecially for the library. And ſo zealous were the monks in general to repleniſh their libraries, that they often procured lands to be given and churches to be appropriated for that work.

19. In all the great abbies, there were alſo perſons appointed to take notice of the principal occurrences of the kingdom, and, at the end of every year, to digeſt them into *annals*. In theſe records, they particularly preſerved the memories of their founders and benefactors; the years and days of their births and deaths, their marriages, children, and ſucceſſors; ſo that recourſe was ſometimes had to them for proof of ages and genealogies; though ſome of thoſe pedigrees were drawn up from tradition only, and in moſt the writers were probably favourable to their friends, and ſevere upon their enemies. The canons alſo, and conſtitutions of the clergy, in their national and provincial ſynods, and even acts of parliament, were ſent to the abbies to be recorded.

Progress of the Reformation. In the reign of Edward VI. the reformation was advanced nearly to perfection. That pious prince, too early ſnatched from the world, influenced by his character the conduct of thoſe who held for him the reins of government. Their acts tended to reform the church, without licenſing thoſe vindictive perſecutions to which the furious diſpoſition of Henry gave riſe, and, at the ſame time, to render its doctrines ſtable by adopting firm opinions on general points, and eſtabliſhing a mode of worſhip which was likely to conciliate a great body of the people, and could give reaſonable offence to none. Viſitors were appointed to make a progreſs through the kingdom, aboliſhing in every place abſurd ſuperſtitions, and removing images, but diligently cautioning the people againſt relaxing into a diſreſpect of thoſe ſacred rites which were yet to be celebrated. To reſtrain the abuſes which the monks had introduced in making ſermons, a book of homilies was compoſed, which the clergy were enjoined to read to the people, and preaching was forbidden, except in pariſh churches. Chauntries, and free chapels, reckoned at 2374, were aboliſhed, private maſſes were forbidden; the clergy were allowed, though not encouraged to marry, and the cup, in the ſacrament of the Lord's ſupper, was reſtored to the laity. It was made highly criminal to deny the king's ſupremacy in eccleſiaſtical matters, or to aſſert that of the pope. A new communion ſervice was compoſed, in the preface to which auricular confeſſion

confeſſion was declared not to be a duty, but a matter indifferent; a great effort towards relieving the public mind from the oppreſſion of the catholic prieſthood.

A committee of biſhops and divines, appointed by the council, compoſed a liturgy. In this delicate undertaking they proceeded with moderation, retaining as much of the ancient maſs as the principles of the reformers would permit. They indulged in nothing the ſpirit of contradiction which ſo naturally takes place in all great innovations; they tranſlated the whole into Engliſh; and might reaſonably flatter themſelves that they had eſtabliſhed a ſervice in which every denomination of Chriſtians might, without ſcruple, concur. The parliament eſtabliſhed this form of worſhip in all the churches, and ordained an uniformity to be obſerved in rites and ceremonies. This work was afterwards reviſed, and articles of religion compoſed for general aſſent; they were, at that time, forty-two in number, and theſe efforts were all ſanctioned by an act of parliament, which further denounced penalties againſt thoſe who abſented themſelves from public worſhip. Thus, in the ſhort reign of this pious prince, was the reformation of the church eſtabliſhed nearly as we find it at this day, allowing only for the greater lights derived from experience, and the effect of time, which permitted the rejection of a very few ſuperſtitions and errors, which the ſtate of men's minds in thoſe days made it neceſſary to retain.

The bleſſed proſpect opened by the reign of Edward was, for a while, obſcured by the acceſſion of his half ſiſter, Mary, an obſtinate and rancorous bigot, incapable of generoſity or patriotiſm, and actuated only by a deſire to pleaſe her huſband, Philip of Spain, and to promote the intereſts of that religion to which ſhe was ſo abſolutely devoted. In her reign, the catholic prieſts, inſtigated and encouraged by one of the moſt haughty and ambitious pontiffs that ever poured on Chriſtian nations the curſes of papal authority, ſprang on the proteſtants as an helpleſs prey, and glutted their vengeance by torture and deſtruction. Not to enter into the diſguſting and common narrative of the executions and tortures which diſgraced this reign, it may ſuffice to obſerve, that, at an early period, all the ſtatutes of Edward VI. concerning religion, were repealed. The proteſtant biſhops were caſt into priſon; a legate from Rome was received, notwithſtanding the numerous ſtatutes againſt it, and he was created archbiſhop of Canterbury; and the ſyſtem of the inquiſition was introduced, and even exceeded. A commiſſion was appointed, by authority of the queen's prerogative, more effectually to extirpate hereſy. Twenty-one perſons were named; but any three were armed with the powers of the whole; it ran in theſe terms: "That ſince many falſe rumours and heretical

"opinions

" opinions were ſpread among the queen's ſubjects, the com-
" miſſioners were to inquire into them, either by preſentments,
" by witneſſes, or any other political way they could deviſe, and
" to ſearch after all hereſies, the bringers in, ſellers, and
" readers of all heretical books. They were to examine and
" puniſh all miſbehaviours or negligences in any church or
" chapel; and to try all prieſts that did not preach the ſacra-
" ment of the altar; all perſons that did not hear maſs, or
" come to their pariſh church to ſervice, that would not go in
" proceſſions, or did not take holy bread or holy water. And
" if they found any that did obſtinately perſiſt in ſuch hereſies,
" they were to put them into the hands of their ordinaries, to
" be puniſhed according to their ſpiritual laws; giving the com-
" miſſioners full power to proceed as their diſcretions and con-
" ſciences ſhould direct, and to uſe all ſuch means as they could
" invent, for ſearching into the matters aforeſaid, empowering
" them alſo to call before them ſuch witneſſes as they pleaſed,
" and to force them to make oath of ſuch things as might diſ-
" cover what they ſought after;" and ſome powers were added for puniſhing vagabonds and quarrelſome perſons. To bring the methods of proceeding in England ſtill nearer to the practice of the inquiſition, letters were written to lord North and others, enjoining them "To put to the torture ſuch obſtinate perſons as
" would not confeſs, and there to order them at their diſcre-
" tion." Secret ſpies alſo and informers were employed, according to the practice of that iniquitous tribunal. Inſtructions were given to the juſtices of the peace, " That they ſhould call
" ſecretly before them one or two honeſt perſons within their li-
" mits, or more at their diſcretion, and command them, by
" oath or otherwiſe, ſecretly to learn and ſearch out ſuch per-
" ſons as ſhould evil behave themſelves in church, or idly, or
" deſpiſe openly by words, the king's or queen's proceedings, or
" go about to make any commotion, or tell any ſeditious tales or
" news. And theſe perſons were to declare to the ſame juſ-
" tices the ill behaviour of lewd diſordered perſons, whether
" for uſing unlawful games, and ſuch other light behaviour of
" ſuch ſuſpected perſons. Their information was to be given
" ſecretly, and the juſtices were to call the parties before them,
" without naming their accuſers, and, on their examination, in-
" flict puniſhment according to the nature of the accuſation,
" and at their own diſcretion, either by open puniſhment, or
" by good abearing." In ſome reſpects this tyrannical edict even exceeded the oppreſſion of the inquiſition, by introducing, into every part of government, the ſame iniquities which that tribunal practiſes for the extirpation of hereſy only, and which are in ſome meaſure neceſſary wherever that end is earneſtly purſued

ſued. But the court had deviſed a more expeditious and ſummary method of ſupporting orthodoxy than even the inquiſition itſelf. They iſſued a proclamation againſt books of hereſy, treaſon, and ſedition; and declared, "That whoſoever had any "of theſe books, and did not preſently burn them, without "reading or ſhewing them to any other perſon, ſhould be eſ- "teemed rebels, and, without any further delay, be executed "by martial law." The pope was encouraged by theſe proceedings to renew his claim to temporal as well as eccleſiaſtical ſupremacy in this kingdom, and to the ancient and oppreſſive tribute known by the name of Peter's pence.

In this alarming ſtate of affairs the public weal was befriended by the prodigality of Henry VIII. The pope demanded in the moſt poſitive terms the reſtoration of all eccleſiaſtical property, alleging that what had once belonged to God could by no human means be alienated, and that even if he were diſpoſed to relinquiſh this demand, it exceeded his power. The queen, yielding to the dictates of the ſovereign pontiff, reſtored all the eſtates of the church which remained in the crown, and which fortunately were but few; and, although extremely diſtreſſed in other reſpects, extorted from her ſubjects money to form ſome new monaſtic endowments; but the parliament, baſe and abject as they were in moſt points relating to religion and liberty, were yet vigorous enough, when their perſonal intereſts were attacked, to reſiſt the pretenſions of the pope, and baffle all endeavours to carry them into effect. Thus all the advantage gained by the adherents of popery by the reign of this reſolute fanatic, was ſanguinary revenge and momentary triumph; while their atrocities, committed under the ſanction of a foreign prince, ſerved only to root in the minds of the majority of Britiſh ſubjects a diſguſt againſt the religion which was to be eſtabliſhed by ſuch means, and a jealouſy and hatred of all foreigners who ſhould attempt to interfere in their civil or eccleſiaſtical regulations. Under theſe circumſtances Queen Elizabeth found no difficulty in re-eſtabliſhing the reformed religion; and, from her acceſſion, may be dated the perfect and full enjoyment of that undiſturbed ſyſtem of religious freedom, given and protected by the church of England.

This church, founded on principles of ſingular moderation, affecting nothing merely from the deſire of oppoſing the Romiſh communion, ſhocking as little as poſſible the prejudices of the people, aboliſhing no ceremonies which were compatible with the doctrines of ſcripture, and inculcating no belief which was not clearly deduced from the ſacred volumes, mitigating ſuperſtition, and conferring freedom, was oppoſed from its origin not merely by the papiſts, who conſidered the

rights of their chief invaded, and his authority defied, but by reformers of a more determined claſs, more ardent in their animoſity againſt Rome, more deſirous of carrying every meaſure to extremity, more intolerant as to differences in opinion, and more inflexible in all matters of accommodation or compliance. Of the barriers erected by law to protect the church from the hoſtility of theſe, as well as her old enemy the pope, notice will be taken in a ſubſequent page. At preſent the nature and diviſions of the eccleſiaſtical conſtitution require attention.

THE KING. It has already been ſhewn that, in times when the authority of the pope was moſt redoubted, the kings of England, favoured by the inſular ſituation of their dominions, and the happy genius of the conſtitution, made ſtrenuous and ſucceſsful efforts to maintain the title of head of the church. Theſe efforts, ſo beneficial to the community, were ſeconded by the parliament and ſanctioned by the clergy themſelves; ſeveral ſtatutes recognized and enforced the king's ſupremacy, and the canon declared, that thoſe who denied it ſhould be *ipſo facto* excommunicated, and not reſtored till after repentance and public revocation of thoſe wicked errors. A ſtatute 35 Hen. VIII. c. 3. declares that the title for ever annexed to the Engliſh crown ſhall be, "*Defender of the Faith, and of the* "*Church of England, and alſo of Ireland, in Earth the ſupreme* "*Head.*" In the firſt year of Edward VI. it was made highly penal to deny the king's ſupremacy by words or in preaching; and if that offence were three times repeated, or once committed in writing or printing, the party incurred the penalty of high treaſon. But when fears of papal encroachment had ſubſided, it was conſidered neceſſary to limit and define the authority and juriſdiction of the crown in eccleſiaſtical matters; accordingly, in the thirty-nine articles of the church, as eſtabliſhed in the reign of Queen Elizabeth, it is ſaid: "But when we attri- "bute to the queen's majeſty the chief government, we give "not thereby to our princes the miniſtring either of God's "word, or of the ſacraments; but that only prerogative which "we ſee to have been given always to all godly princes in holy "ſcripture by God himſelf, that is, that they ſhould rule all "eſtates and degrees committed to their charge by God, whe- "ther they be eccleſiaſtical or temporal, and reſtrain with the "civil ſword the ſtubborn and evil doers." An oath of ſupremacy was ordained to be taken by the ſubject, but the king's coronation oath impoſed on him conditions amply calculated to ſecure the church from danger, and the religious liberty of the people from invaſion. The actual authority then which remains to the king, as head of the church, is this: he convenes, pro-

rogues, and diſſolves all eccleſiaſtical ſynods and convocations; nominates to vacant biſhoprics and certain other eccleſiaſtical preferments; may conſtitute and reſtrain eccleſiaſtical juriſdiction; diſpenſe with the eccleſiaſtical laws; inflict eccleſiaſtical cenſures; make an appropriation without the biſhop where he himſelf is patron, and, with the conſent of the patron only, when the benefice belongs to a ſubject; and he may take a reſignation from a dean of his deanery, as well as the biſhop, for he is ſupreme ordinary. As head of the church, the king is likewiſe the *dernier reſort* in all eccleſiaſtical cauſes; an appeal lying ultimately to him in chancery, from the ſentence of every eccleſiaſtical judge.

Church of England. The eccleſiaſtical ſtate of England is divided into two provinces or archbiſhoprics; Canterbury and York. The conſideration of theſe great dignitaries, with their ſuffragan biſhops and ſubordinate eccleſiaſtics, involves in it a new diviſion of the kingdom, of which this is the outline: the realm is primarily divided into the two provinces already mentioned, each being the circuit of an archbiſhop's juriſdiction. Each province contains divers dioceſes, or ſees of ſuffragan biſhops; Canterbury including twenty-one, and York three, beſides the biſhopric of the Iſle of Man, which was annexed to it by Henry VIII. Every dioceſe is divided into archdeaconries, whereof there are ſixty in all; each archdeaconry into rural deaneries, which are the circuit of the archdeacon's and rural dean's juriſdiction; and every deanery is divided into pariſhes, towns or villages, townſhips and hamlets. The number of each of theſe contained in every county of England and Wales has been given in the deſcription of counties, and the particular nature of each deſcription will be delineated in a future page.

Archbishops. An archbiſhop, as chief biſhop of the province next and immediately under the king, has ſupreme power, authority, and juriſdiction in all cauſes and things eccleſiaſtical. At firſt, the title of *archbiſhop* ſeems to have been only one of honour; whence, in ſome countries, eſpecially in Italy, ſeveral are ſo diſtinguiſhed, who indeed take place of, but have no power or authority over, other biſhops. An archbiſhop is alſo ſtyled primate, from being firſt *(primus)* of the province; and metropolitan, from being biſhop of the chief city in ſuch province. Each archbiſhop has the inſpection of his biſhops as well as of the inferior clergy, and may deprive them on notorious cauſe. He has alſo his own dioceſe, wherein he exerciſes epiſcopal juriſdiction; as in his province he exerciſes archiepiſcopal. On receipt of the king's writ, but not without, he calls a convocation. To him all appeals are made from inferior juriſdiction;

and, as an appeal lies from the biſhops in perſon to him in perſon, ſo it alſo lies from the conſiſtory courts of each dioceſe to his archiepiſcopal court. During the vacancy of any ſee in his province he is guardian of its ſpiritualities, and executes all eccleſiaſtical juriſdiction. If any archiepiſcopal ſee be vacant, the dean and chapter have been its ſpiritual guardians ſince the reformation. The archbiſhop is entitled to preſent by lapſe to all livings in the diſpoſal of his dioceſan biſhops, if not filled within ſix months; and he has a cuſtomary prerogative, on conſecrating a biſhop, to name a clerk or chaplain for whom the individual conſecrated muſt make proviſion; but it is now uſual for the biſhop to make over by deed to the archbiſhop, his executors, and aſſigns, the next preſentation of ſuch dignity or benefice of his diſpoſal within that ſee, as the archbiſhop ſhall chuſe; which is therefore called his *option*.

Bishops. The title of biſhop is derived from a Greek word, ſignifying an overſeer or ſuperintendent; ſo called from that watchfulneſs, care, charge, and faithfulneſs, which, by his place and dignity, he owes to the church. The power and authority of a biſhop, beſides the adminiſtration of certain holy ordinances peculiar to that ſacred order, conſiſt principally in inſpecting the manners of the people and clergy, and puniſhing them in order to reformation, by eccleſiaſtical cenſures. To this purpoſe he has ſeveral courts under him, and may viſit at pleaſure every part of his dioceſe. His chancellor is appointed to hold his courts for him, and to aſſiſt him in matters of eccleſiaſtical law; who, as well as all other eccleſiaſtical officers, if lay or married, muſt be a doctor of the civil law, ſo created in ſome univerſity. It is alſo the buſineſs of a biſhop to inſtitute, and to direct induction, to all eccleſiaſtical livings in his dioceſe.

Archbiſhoprics and biſhoprics may become void by death, deprivation for groſs and notorious crimes, and alſo by reſignation made to ſome ſuperior. Therefore a biſhop muſt reſign to his metropolitan; but the achbiſhop can reſign to none but the king himſelf.

Four things are neceſſary to complete an archbiſhop or a biſhop,—election, confirmation, conſecration, and inſtallation.

Election. When cities were at firſt converted to Chriſtianity, the biſhops were elected by the clergy and people; but as the number of Chriſtians increaſed, this was found to be inconvenient, for tumults were raiſed, and ſometimes murders committed at ſuch popular elections; and, particularly at one time, no leſs than three hundred perſons were killed. To prevent ſimilar diſorders, the emperors, being then Chriſtians, reſerved the election of biſhops to themſelves; that is to ſay, on

a biſhop'

a biſhop's death the chapter ſent a *ring* and *paſtoral ſtaff* to the emperor, which he delivered to the perſon whom he appointed ſucceſſor. By the ring it was ſaid that the marriage of the prelate to the church was ſignified; by the ſtaff, the ſupport which he was to afford it, or rather, perhaps, that he was become a ſhepherd of Chriſt's flocks. In proceſs of time the pope ſecured to the canons in cathedral churches the election of biſhops, and the confirmation of them to himſelf, and excommunicated all princes who conferred, and all prelates who, at their hands, received inveſtiture; yet in England it was always held that the king had a right of donation on the principle and foundation of property, and the claims of the pope were frequently, and at length effectually, conteſted. On the reformation, by 25 Hen. VIII. c. 20., the power of election was given to the dean and chapter, but they were obliged to chuſe the perſon deſignated by the king. The candour which diſtinguiſhed the councils of Edward VI. in matters of religion, revolted at this eccleſiaſtical fiction, and a ſtatute paſſed in the firſt year of his reign ſtates that, "whereas the ſaid elections be "in very deed no elections, but only by a writ of *congé d'elire* "have colours, ſhadows, or pretences of elections, ſerving ne- "verthelefs to no purpoſe, and ſeeming alſo derogatory and "prejudicial to the king's prerogative royal, to whom only "appertains the collation and gift of all archbiſhopries and "biſhopries and ſuffragan biſhops within his dominions;" and enacts, "that from henceforth no *congé d'elire* be granted, nor "election by the dean and chapter be made, but that the king "by his letters patent may collate." This ſtatute being however repealed in the reign of Mary, the matter was finally brought back to the ſtate in which it was placed by the 25 Henry VIII. and ſo continues to this day.'

When an archbiſhop dies, or a biſhop dies or is tranſlated, the dean and chapter certify it to the king in chancery, and pray leave to make election. This is granted by a licence under the great ſeal, called in French *congé d'elire,* or leave to chuſe; but it is accompanied with a letter miſſive containing the name of a perſon whom the king recommends, and whom, by virtue of theſe authorities, they muſt with all ſpeed, in due form, elect and chooſe, and none other. And if they delay their election above twelve days, the king nominates and preſents, by letters patent under the great ſeal, ſuch perſon as he thinks convenient, and he muſt be inveſted and conſecrated as if he had been regularly elected. After the election, the dean and chapter certify it to the king under their common ſeal; which if they delay for twenty days after licence delivered to them; or if they admit, or do any other thing contrary to the law in

that caſe; or if the archbiſhop or biſhops refuſe or contravene the performance of any of the ſubſequent rites, they, with their aiders, counſellors, and abettors, incur a *præmunire*. After election there muſt be the conſent of the perſon elected; for which purpoſe, the proctor, conſtituted by the dean and chapter, exhibits to him the inſtrument of election, praying his aſſent, which is to be given by a formal inſtrument in the preſence of a notary public*.

CONFIRMATION. After the certification has been duly made, and the archbiſhop or biſhop elect has taken the oath of fealty, the king by letters patent ſignifies the election, if it be to the dignity of a biſhop, to the archbiſhop of the province; or if that ſee be void, then to the other archbiſhop, commanding him to confirm the election, and inveſt and conſecrate the perſon ſo elected to his office and dignity; and if the perſon be elected an archbiſhop, the king in the ſame manner ſignifies it to the other archbiſhop and two biſhops, or elſe to four biſhops with a ſimilar command. In confirmation the following forms are indiſpenſable:

1. The king's *patent* already mentioned.

2. A *citation* againſt oppoſers; which (the time of confirmation being firſt fixed) is publiſhed and ſet up, by order and in the name of the archbiſhop, at the church where it is to be held; as well to notify the day of confirmation, as to ſummon all oppoſers (if any there be) who will object againſt the election, or the perſon elected, to appear on that day; according to the direction of the ancient common law.

3. The *certificate* or return made by the proper officer to the archbiſhop of the due execution of the citation.

4. The *commiſſion to confirm*; which is uſually performed by the archbiſhop's vicar general.

5. The *proxy* of the dean and chapter, by which they delegate one or more perſons, who, having preſented in their names the inſtrument of election to the biſhop elect for his conſent, and the letters certificatory of election to the king, praying the royal aſſent in order to confirmation, do further, at the time of confirmation, after the reading of the letters patent and commiſſion to exhibit the proxy, preſent the biſhop elected to the archbiſhop, vicar general, or ſurrogate; and, in the courſe of the confirmation, do whatever elſe is neceſſary on the part of the dean and chapter.

* "It is a prevailing vulgar error," ſays Mr. Chriſtian, "that, when a biſhop has "an offer made of a biſhopric, ſhe affects a maiden coyneſs and anſwers *nolo epiſco-"pari*. The origin of theſe words and this notion I have not been able to diſcover; "the biſhops certainly give no ſuch refuſal at preſent, and I am inclined to think they "never did at any time in this country."

6. The

6. The *firſt ſchedule*. The proctor, in the name of the dean and chapter, exhibiting the citation and return, prays that the oppoſers, (if any be) not appearing, may be pronounced contumacious, and precluded from further oppoſition, and that the confirmation may be proceeded in; which is accordingly done by this ſchedule.

7. A *ſummary petition* by the proctor, that the biſhop elect may be confirmed, on his alleging and proving the regularity of the election, and the merits of the perſon elected; which he does in nine articles, concluding with a petition, that in purſuance of the premiſes confirmation may be decreed. On this petition certain inſtantaneous proceedings are had, and then the final ſentence, containing a decree of confirmation, is promiſed.

8. The *ſecond ſchedule*. Before ſentence, a ſecond præconization of the oppoſers (if any be) is made at the fore door of the church; and if none appear they are declared contumacious by a ſecond ſchedule. But this proclamation is not a mere form, ſince it appears, that if oppoſers were to preſent themſelves in due form of law, their objections muſt be decided on according to their validity.

9. The *oaths*. Theſe are four; thoſe of allegiance and ſupremacy; one, that the biſhop has neither promiſed, nor given, nor agreed to give any thing in conſideration of his preferment, which is called the oath of *ſimony*; and one of due obedience to the archbiſhop; but this laſt, in courſe, the archbiſhop cannot pronounce.

10. The *definitive ſentence*, or act of confirmation, by which the judge commits to the biſhop elect, the care, governance, and adminiſtration of the ſpiritualities; and then decrees him to be inſtalled or inthronized; which is performed in the province of Canterbury by mandate from the archbiſhop to the archdeacon, to whom of right it belongs.

11. Finally, a public notary, by the archdeacon's command, *records* the whole tranſaction in an inſtrument to remain as authentic to poſterity.

After election and confirmation, and not before, the biſhop is fully intitled to exerciſe all ſpiritual juriſdiction; but he cannot ſue for his temporalities till after conſecration.

CONSECRATION. On a tranſlation, all the before-mentioned ceremonies are obſerved; but conſecration is not requiſite, having been previouſly performed. In caſe of creation the proceſs is as follows:

The conſecration is always performed on ſome Sunday or holiday, and the dean and chapter of the cathedral church of Canterbury claim, as an ancient right, that every biſhop of the

province is to be consecrated in it, or the archbishop to receive from them a licence to consecrate elsewhere.

The archbishop, or some bishop appointed, begins the communion service; another bishop reads the epistle; and a third the gospel: after the Nicene creed and sermon, the elected bishop, vested with his rochet, is presented by two bishops to the archbishop of that province, or to some other bishop appointed by lawful commission. The archbishop then causes the king's mandate for the consecration to be read, and the oaths above-mentioned to be administered; and, after divers questions and answers touching the episcopal office, and before the act of consecration, the bishop elect puts on the rest of the episcopal habit. According to the office in the 3 Edward VI. the *pastoral staff* was delivered to the bishop; which delivery in the Roman pontifical is preceded by a consecration of the staff, and followed by the consecration and putting on a *ring*, in token of his marriage to the church; of a *mitre*, as an helment of strength and salvation, that his face being adorned, and his head, as it were, armed with the *horns* of both testaments, may appear terrible to the adversaries of the truth, as also in imitation of the ornaments of Moses and Aaron; and of gloves, in token of clean hands and heart to be preserved by him. All these, with many other ceremonies, our church has laid aside; but it is ordered, that whenever the bishop shall celebrate the holy communion, or exercise any other public administration; he shall have upon him, besides his rochet, a surplice or alb, and a cope or vestment, and also his pastoral staff in his hand, or else borne or holden by his chaplain; and generally that such ornaments of the church and its ministers shall be retained as were ordained by parliament, in the second year of Edward VI. By the canon, any one teaching or affirming that the form and manner of consecrating bishops, priests, and deacons, contain any thing repugnant to the word of God, or that persons so consecrated are not lawfully made, nor ought to be accounted bishops, priests, or deacons, without some other calling to those offices, is to be *ipso facto* excommunicated. And by the articles of religion it is declared that the book of consecration of archbishops and bishops, and ordering of priests and deacons contains all things necessary to such consecrating and ordering; neither hath it any thing that of itself is superstitious and ungodly.

Installation. It is to be observed as a difference between an archbishop and a bishop, that the former is said to be *enthroned*, the latter *installed*.

After the ceremony of consecration, the bishop being introduced into the king's presence, does homage for his temporalities or barony; by kneeling down, and putting his hands between

between thoſe of the king, ſitting in his chair of ſtate, and by taking a ſolemn oath to be true and faithful to his majeſty, and that he holds his temporalities of him. Finally, he muſt, within ſix months after his admiſſion, take the oaths of allegiance, ſupremacy, and abjuration, in one of the courts at Weſtminſter, or at the quarter-ſeſſions of the peace.

The fees of this whole proceſs are ſaid to amount to 600*l.* and the biſhop is beſides obliged to compound for his firſt fruits and tenths.

On promotion to a biſhopric, the perſon promoted renounces all benefices which he formerly poſſeſſed, but the preſentation in ſuch caſe does not revert to the proprietor, but to the king. A biſhop, on tranſlation, does not vacate his former biſhopric till he is confirmed by the archbiſhop; nor on creation are his benefices void till after conſecration.

The canons have made ſeveral proviſions for biſhops to reſide at their cathedrals during ſome portion, at leaſt, of every year; but they appear merely as recommendations, and contain as an exception, unleſs their abſence is required by their ſuperiors, or for other juſt cauſe. It is alſo ſaid that no man can be archbiſhop till he has attained the age of thirty years; and the reaſon aſſigned is, that at that period of his incarnation our bleſſed Saviour was baptized, and began his miniſtry: but this rule has not been invariably adhered to, though in the preſent ſtate of eccleſiaſtical preferment it is not likely to be broken.

Spiritualities during Vacation. When a biſhop dies, or is tranſlated, or is employed beyond the ſeas in negotiations; the law provides a guardian as to the ſpiritual juriſdiction, to whom preſentations may be made, and by whom inſtitutions, admiſſions, and the like, may be given. He is called guardian of the ſpiritualities. By canon, this right is veſted in the dean and chapter; but more generally, by preſcription or compoſition, in the archbiſhop; but when an archiepiſcopal ſee is vacant, the dean and chapter of his dioceſe are guardians of the ſpiritualities. When the ſee of Canterbury is void, the guardian of the ſpiritualities may grant faculties, licences, and diſpenſations throughout both provinces as the archbiſhop might have done; he has alſo all manner of juriſdiction of the courts, as the power of granting licences to marry, probate of wills, and adminiſtration of the eſtates of inteſtates, during ſuch vacancy; alſo he can grant admiſſions and inſtitutions; but he cannot conſecrate, ordain, or preſent to vacant benefices, or confirm a leaſe; and the perquiſites ariſing from the execution of ſuch power belong to him until ſuperſeded by a new election.

Tempo-

TEMPORALITIES. A biſhop's temporalities are all ſuch things as he acquires by livery from the king, as caſtles, manors, lands, tenements, tithes, and other certainties, which the king might claim during the vacation. The cuſtody of theſe, during a vacancy, belonging, as already has been ſaid, to the king, by virtue of his prerogative. In ancient times this right in the crown was occaſionally exerciſed in committing waſte on the property of the fee; and queen Elizabeth, for the ſake of enjoying the temporalities, is ſaid to have kept the biſhopric of Ely vacant three years; but in modern times, the ſovereign, acting on more liberal principles, gives to the biſhop all thoſe profits which were formerly ſo much coveted.

SUFFRAGANS AND COADJUTORS. In former times, many biſhops had their ſuffragans, each of whom was appointed by the king, out of two nominated by the biſhop, and who were conſecrated in the epiſcopal manner. Theſe, in the abſence of the biſhops upon embaſſies, or in multiplicity of buſineſs, ſupplied their places in matters of orders, but not of juriſdiction, and received profits, limited in their commiſſions. They are now diſuſed, and the term ſuffragan is applied to all provincial biſhops, with reſpect to the archbiſhop.

It was alſo an ancient cuſtom in the church, that when a biſhop grew very aged, or otherwiſe unfit to diſcharge the epiſcopal office, a *coadjutor* was taken by him, or given to him, at firſt, in order to ſucceed him, but in later times, only to be an aſſiſtant during life, in matters chiefly of juriſdiction, as in collating to benefices, granting inſtitutions, diſpenſations, and the like: and in this caſe it was not neceſſary that ſuch coadjutor ſhould be epiſcopally ordained, as the duties merely epiſcopal were committed to the ſuffragan biſhop.

DIOCESE. The dioceſe is the circuit of every biſhop's juriſdiction. The bounds are determined by witneſſes and records, but more particularly by the adminiſtration of divine offices. The juriſdiction of the *city* is not included in the name of *dioceſe*; and, accordingly, citations to general viſitations are directed to the clergy of the *city and dioceſe*. A biſhop may perform divine offices, and uſe his epiſcopal habit, in the dioceſe of another, without leave; but he may not perform therein any act of juriſdiction, without permiſſion of the other biſhop. A clergyman dwelling in one dioceſe, and beneficed in another, and being guilty of a crime, may, in different reſpects, be puniſhed in both: that is, the biſhop in whoſe dioceſe he dwells, may proſecute him; but the ſentence, ſo far as it affects his benefice, muſt be carried into execution by the other biſhop.

CATHEDRALS. The cathedral is defined to be the ſee of a biſhop, *ſedes epiſcopi*. The origin of the title is this: After the converſion

converſion of Conſtantine, the emperor, the other converts in thoſe days, and in the following times, who were many of them governors and nobles, ſettled large demeſne lands on thoſe who converted them; and the firſt oratories or places of public worſhip being built on thoſe lands, were called *cathedræ, ſedes, cathedrals, or ſeats*, from the clergy's conſtant reſidence thereon. The ſees of biſhops ought to be fixed only in towns which are noted and populous, and for this reaſon ſeveral have been removed, as Dorcheſter to Lincoln, Selſey to Chicheſter, Kirton to Exeter; and this rule was alſo obſerved in fixing the ſees of the five new biſhoprics erected by Henry VIII. Every town which has a ſee of a biſhop placed in it, is thereby entitled to the honour of a city; except in Wales, where ſeveral are eſtabliſhed in ſmall villages. The cathedral church is the pariſh church of the whole dioceſe, which was therefore commonly called *parochia*, till a more diffuſive application of that term occaſioned the excluſive application of the word dioceſe. Beſide the proper revenues of cathedral churches applicable to their repairs, ſeveral forfeitures and dues are enjoined by the canons, which cannot in theſe days be productive of any revenue; one in particular was annually paid by every parochial miniſter within the dioceſe, under the name *cathedraticum*; ſuppoſed to have been reſerved as an acknowledgment of the paramount rights of the cathedral church.

In the adminiſtration of the communion, and ſome other particulars, the ſervice in cathedrals varies from that in pariſh churches, and alſo in conventual and collegiate churches. The general difference between them is thus ſtated: A chapter deſignates a cathedral church; a convent, a church of regulars; a college, an inferior church, where there are collected together perſons living in common.

THE ARCHBISHOP OF CANTERBURY. Canterbury was once the royal city of the kings of Kent; and was given by Ethelbert, on his converſion, to Auſtin, the firſt archbiſhop, about the year 598. Canterbury, conſidered as the ſeat of the metropolitan, has under it twenty-one biſhops; namely, ſeventeen of ancient foundations, Rocheſter, London, Wincheſter, Norwich, Lincoln, Ely, Chicheſter, Saliſbury, Exeter, Bath and Wells, Worceſter, Coventry and Litchfield, Hereford, Llandaff, St. David's, Bangor, and St. Aſaph; and four founded by Henry VIII. on the ruins of diſſolved monaſteries, Glouceſter, Briſtol, Peterborough, and Oxford; but Canterbury, as the ſeat of a dioceſan, comprehends only part of Kent, (the reſidue being in the dioceſe of Rocheſter), together with ſome other pariſhes, diſperſedly ſituate in ſeveral dioceſes; it being an ancient privilege of this ſee, that the places where the archbiſhop

biſhop has any manors or advowſons, are exempted from the ordinary, and become peculiars of his dioceſe, properly belonging to his juriſdiction. The aggregate of theſe is; in Kent, two hundred and fifty-ſeven pariſhes beſides chapels, and in other parts nearly one hundred pariſhes.

The archbiſhop of Canterbury is ſtyled *primate and metropolitan of* ALL *England*, partly in conſequence of the general legatine authority, committed to that ſee by the popes, and partly, becauſe the archbiſhop of Canterbury has ſtill the power of granting faculties and diſpenſations in both provinces alike. This archbiſhop anciently had primacy, not only over all England, but over Ireland alſo, and from him the Iriſh biſhops received their conſecration: and as Metropolitan of England, Scotland, Ireland, and the iſles adjacent, he was ſometimes ſtyled a *patriarch*, and *orbis Britannici pontifex*; inſomuch that eccleſiaſtical records were dated *anno pontificatus noſtri primo, ſecundo, &c.* At general councils abroad, the archbiſhop of Canterbury had precedency of all other archbiſhops. At home he has the privilege of crowning the kings of England. He has prelates to be his officers: thus, the biſhop of London is his provincial dean; the biſhop of Wincheſter, his chancellor; the biſhop of Lincoln, anciently was his vice-chancellor; the biſhop of Saliſbury, his precentor; the biſhop of Worceſter, his chaplain; and the biſhop of Rocheſter before the reformation carried the croſs before him. He may retain and qualify eight chaplains, which is more by two, than are allowed to any duke. In ſpeech and writing, he is intitled *grace*, and *moſt reverend father in God*; and he ſtyles himſelf *by divine providence*; whereas biſhops are only entitled *lords*, and *right reverend fathers in God by divine permiſſion*. The archbiſhop of Canterbury is the firſt peer of the realm, and has precedency of all the nobility of the realm, except the blood royal; and of all the great officers of ſtate.

In the time of St. Auguſtine, the church of Canterbury was made a cathedral, repaired, conſecrated, and dedicated to the name of Chriſt, which it ſtill retains, although for a conſiderable period it was better known by the name of St. Thomas, from Thomas à Becket, who was murdered in it. The preſent fabric was begun by Archbiſhop Lanfrane and William Corbois, and greatly augmented by ſeveral of their ſucceſſors. During the grand rebellion it ſuffered much, Cromwell having made it a ſtable for his dragoons; but, after the reſtoration, it was repaired and put in its preſent ſtate.

The chief ſeat of the archbiſhop of Canterbury is Lambeth Palace, in Surry. This ſee is valued in the king's books at 2816*l.* 17*s.* 9½*d.* The clergy's tenths come to 651*l.* 18*s.* 2½*d.* The ſee has only one archdeacon, viz.

of

of Canterbury. To the cathedral belong an archbiſhop, a dean, a chancellor, an archdeacon, twelve prebendaries, ſix preachers, ſix minor canons, ſix ſubſtitutes, twelve lay clerks, ten choriſters, two maſters, fifty ſcholars, and twelve almſmen. It has yielded to the church of Rome eighteen ſaints, and nine cardinals; and, to the civil ſtate of England, twelve lord chancellors, four lord treaſurers, one lord chief juſtice, and nine chancellors to the univerſity of Oxford.

THE ARCHBISHOP OF YORK. York is ſaid to be the moſt ancient metropolitan ſee in England, having been founded when Chriſtianity was firſt eſtabliſhed among the Britons, and reſtored on the converſion of the Saxons. The pope is ſaid to have deſigned that York ſhould have as many ſuffragan biſhops as the ſouthern metropolitan ſee; but, for a very long ſpace of time, till Henry I. erected a biſhopric at Carliſle, and Henry VIII. another at Cheſter, there were only two ſees in the north of England, York and Durham. The Scottiſh biſhops received conſecration from this archbiſhop, and ſwore canonical obedience to him as their metropolitan; but, in proceſs of time, they withdrew from their obedience, and had archbiſhops of their own. The archbiſhop of York for ſome time contended for precedency with the archbiſhop of Canterbury, alleging that, by Pope Gregory's inſtitutions, it depended on priority of confirmation; but on an appeal to Rome it was determined in favour of Canterbury. The archbiſhop of York has precedence of all dukes not of the royal blood; and all great officers of ſtate, the lord high chancellor excepted; he has alſo the privilege of crowning the queen conſort, and of being her perpetual chaplain. He may, like the archbiſhop of Canterbury, retain and qualify eight chaplains. He has the title of *grace* and *moſt reverend father in God;* and ſtyles himſelf *by divine providence primate of England.* He has under him four ſuffragans; the biſhop of the county palatine of Cheſter, erected by Henry VIII.; the county palatine of Durham; Carliſle; and the Iſle of Man.

The dioceſe contains above three fourths of Yorkſhire, all Nottinghamſhire, and Hexham in the county of Northumberland, in which are 581 pariſhes, whereof 336 are impropriations. It was at firſt rated in the king's books at 2035*l.* 14*s.* 6*d.*; but Henry VIII. having ſequeſtered ſome of its lands, it is rated at only 1609*l.* 19*s.* 2*d.* The clergy's tenths amount to 1113*l.* 17*s.* 9¾*d.* To the cathedral belong an archbiſhop, a dean, a precentor, a chancellor, a ſub-dean, four archdeacons, namely of York, Cleveland, Eaſt Riding, and Nottingham, twenty-eight prebendaries, with inferior officers and ſervants. The ſee has yielded to the church of Rome eight ſaints,

and three cardinals; and to the Engliſh nation twelve lord chancellors, two lord treaſurers, and two lord preſidents of the north. The chief ſeat of the archbiſhop is Biſhop's Thorpe in Yorkſhire.

Bishops.—*Rocheſter.* This ſee is the ſmalleſt and, after Canterbury, the moſt ancient in England, it being founded by St. Auguſtine about ten years after his coming to England. The cathedral was erected by Ethelbert, king of Kent, and dedicated to St. Andrew. Growing ruinous, it was rebuilt by Gundulph, one of its biſhops, in 1080. The biſhop of Rocheſter is chaplain, and, in all ſolemn pomps and proceſſions, was croſs-bearer to the achbiſhop of Canterbury, who for ſeveral centuries diſpoſed of the ſee. The revenue of the dioceſe is now ſo ſmall, that for many years the deanery of Weſtminſter has been held *in commendam* with it for its better ſupport; it contains only a ſmall part of the county of Kent, together with the pariſh of Iſelham in Cambridgeſhire, and Freckenham in Suffolk, making in all 98 pariſhes, whereof 36 are impropriate. It is valued in the king's books at 358*l.* 3*s.* 2½*d.*, the clergy's tenth is 22*l.* 14*s.* 6½*d.* This little ſee has yielded to the church of Rome one cardinal; to the Engliſh nation one lord chancellor, one lord keeper of the great ſeal, and one lord treaſurer. To the cathedral belong a biſhop, a dean, an archdeacon, a chancellor, a treaſurer, ſix prebendaries, a chanter, and other inferior officers and ſervants. The ſeat of the biſhop is at Bromley in Kent.

London. This ſee was archiepiſcopal in the time of the Britons, and was deſigned by pope Gregory to have continued ſo; but St. Auguſtine, whom his holineſs ſent to convert the Saxons, pleaſed with his reception from Ethelbert king of Kent, ſet up his ſtaff at Canterbury, which has ever ſince continued the metropolitan ſee of England. The cathedral of London is St. Paul's, which will be noticed in treating of the capital. The biſhop has precedency next to the archbiſhops, and is dean to the archbiſhop of Canterbury, an office of great dignity and truſt. The dioceſe extends over Middleſex and Eſſex, and a part of Hertfordſhire, including 622 pariſhes, of which 189 are impropriated, and is valued in the king's books at 1119*l.* 8*s.* 4*d.*; the clergy's tenths amount to 821*l.* 15*s.* 1*d.* To the cathedral belong a biſhop, a dean, five archdeacons, namely of London, Middleſex, Eſſex, Colcheſter, and St. Alban's, a treaſurer, a chancellor, two canons reſidentiary, twenty prebendaries, a precentor, and other inferior officers and ſervants. The chief ſeats of the biſhop of London are London Houſe in St. James's Square, purchaſed in lieu of a manſion ſo called in Alderſgate Street, and Fulham Houſe in Middleſex. This biſhopric has yielded

yielded to the church of Rome five ſaints, and to the Engliſh nation nine lord chancellors, ſeven lord treaſurers, one chancellor of the exchequer; and two chancellors to the univerſity of Oxford.

Wincheſter. This ſee is of great antiquity, the cathedral having been founded and endowed by Kingil, or Kenegilus, the firſt Chriſtian king of the Weſt Saxons, who gave to it all the lands within ſeven miles of this church; and his ſon Kinelwalchin added the manors of Alresford, Dowation, and Worthy. This biſhop is ſubdean to the archbiſhop of Canterbury; and from Edward III. received the office of prelate of the order of the garter, which has been annexed to the ſee ever ſince. The biſhops were anciently earls of Southampton; and are ſo ſtyled in the ſtatutes of the garter made by Henry VIII.; but that title does not now belong to them. From the greatneſs of their privileges and poſſeſſions the pope's conſent was obtained to make Wincheſter an archiepiſcopal ſee, by ſeparating ſeven ſuffragans from Canterbury; but this plan was not effected. Yet the loſs of dignity was compenſated by largeneſs of emolument, ſince William de Edington, the fiftieth biſhop, when elected archbiſhop of Canterbury, refuſed the promotion ſaying, "Though Canterbury had the higheſt ſtall, Wincheſter "had the deepeſt manger." Since the reformation, the power and wealth of this ſee have been much diminiſhed. It contains at preſent the whole county of Southampton, Surry, except eleven peculiars of the archbiſhop of Canterbury; one pariſh in Wiltſhire; the iſland of Jerſey, conſiſting of twelve pariſhes; Guernſey of ten; and Alderney and Sark of one each; making in all 384 pariſhes, of which 131 are impropriations. It is valued in the king's books at 2793*l.* 4*s.* 2*d.*; the clergy's tenth amounts to 846*l.* 12*s.* 10*d.* The church was firſt dedicated to St. Amphibalus; then to St. Peter; after to St. Swithin, once its biſhop; and laſt of all, to the bleſſed Trinity, as it ſtill remains. It has a biſhop, a dean, two archdeacons, a chancellor, a treaſurer, twelve prebendaries, and inferior officers and ſervants. The chief ſeats are Farnham Caſtle in Surry, Wolveſey Houſe in Wincheſter, Chelſea Houſe in Middleſex, though made to be in Surry by act of parliament. The biſhopric of Wincheſter has given to the church of Rome ten ſaints and two cardinals, and to the Engliſh nation one lord chief juſtice, nine lord chancellors, two lord treaſurers, one privy ſeal, one chancellor of the exchequer, and one chancellor of the univerſity of Oxford.

Norwich. This ſee was once two diſtinct biſhopries, Elmham in Norfolk, and Dunwich in Suffolk, being ſo eſtabliſhed by Felix, a Burgundian, who converted the Eaſt Angles; but

Biſus,

Biſus, the third biſhop in ſucceſſion from him, finding himſelf, from his great age, unable to bear ſo great a burden, got the dioceſe divided into two. They ſuffered ſo much from the Daniſh invaſions that, after the death of St. Humbert, both lay vacant upwards of an hundred years; but at laſt they were revived and reunited. The ſeat of the ſee was afterward removed to Thetford in Norfolk; where it continued till Herbet Loſinga, the twenty-fourth biſhop, removed it to Norwich, where it has continued ever ſince. The value of this biſhopric is greatly diminiſhed ſince the reformation; when Henry VIII. ſeized all its lands in exchange only for thoſe belonging to the monaſtery of St. Bennet's in the Holm. It contains the counties of Norfolk and Suffolk, except one pariſh in the former and four in the latter; and has beſides ſixteen churches and chapels in Cambridgeſhire, compriſing 1121 pariſhes, whereof 385 are impropriate: and is valued in the king's books at 899*l.* 18*s.* 7½*d.*; the clergy's tenth amounting to 1117*l.* 13*s.* 0¼*d.* To the cathedral belong a biſhop, a dean, a treaſurer, a chancellor, four archdeacons, namely Norwich, Norfolk, Suffolk, and Sudbury, ſix prebendaries, and other officers and ſervants. The biſhop's reſidences are Norwich Palace, and Ludham Hall, Norfolk. Norwich has given to the church of Rome two ſaints; and to the nation five lord chancellors, one lord treaſurer, one lord chief juſtice, one biſhop almoner, and one ſecretary of ſtate.

Lincoln. This dioceſe was formerly two ſees, Sidnacaſter and Dorcheſter. The former was united to Dorcheſter, after remaining a long time vacant after the death of Edulf II. its ninth biſhop; and both were, about the year 1075, removed to Lincoln by Biſhop Remigius de Feſcamp, who built the cathedral, which was deſtroyed by fire, but rebuilt by Alexander, the twenty-third biſhop, and made the beautiful pile it now appears by Hugh Burgundy the twenty-fifth biſhop. It is dedicated to the Virgin Mary and All-Saints. This dioceſe is the largeſt in the kingdom, although thoſe of Ely, Oxford, and Peterborough, have been ſubtracted from it. It contains all Lincoln, Leiceſter, Bedford, Buckingham, and Huntingdon ſhires, and a part of Hertfordſhire; in which are 1255 pariſhes, whereof 577 are impropriations. It is rated in the king's books at 894*l.* 10*s.* 1*d.* and the clegy's tenth valued at 1751*l.* 14*s.* 6*d.* There belong to this cathedral a biſhop, a dean, a precentor, a chancellor, a ſubdean, ſix archdeacons, namely of Lincoln, Leiceſter, Bedford, Buckingham, Stow, and Huntingdon, fifty-two prebendaries, four prieſt's-vicars, eight lay-vicars, or ſinging men, an organiſt, ſeven poor clerks, eight choriſters, and ſeven burghurſt chaunters. The ſeats are Bugdon in Huntingdonſhire, and Lincoln Palace in Lincoln ruined by the civil wars. This ſee has given to the

church

church of Rome three ſaints and one cardinal; and to the realm of England ſix lord chancellors, one lord treaſurer, one lord keeper, four chancellors to the univerſity of Oxford, and two to Cambridge. The biſhops were heretofore chancellors to the archbiſhop of Canterbury.

Ely. This church has undergone various alterations ſince it was firſt eſtabliſhed by Etheldra, the wife of Egfrida, king of Northumberland, who founding a religious houſe here for the reception of virgins, became the firſt abbeſs of it herſelf. The Danes having deſtroyed this eſtabliſhment, Ethelwald, the twenty-ſeventh biſhop of Wincheſter, rebuilt the monaſtery, and filled it with monks, on whom king Edgar, and ſeveral ſucceeding monarchs, beſtowed many privileges, and great grants of lands; ſo that the abbey became, in proceſs of time, the beſt in England. Richard, the eleventh abbot, wiſhing to free himſelf from the biſhop of Lincoln, within whoſe dioceſe his monaſtery was ſituated, made intereſt with Henry I. to get Ely conſtituted a biſhopric; and even induced the biſhop of Lincoln to conſent, but he died before his abbey was erected into a ſee, and his ſucceſſor was the firſt biſhop of Ely. The great privileges of this biſhop were almoſt entirely ſuppreſſed by the ſtatute 27th Henry VIII.; by which, inſtead of being palatine of the iſle of Ely, the biſhop and his temporal ſteward were declared only juſtices of the peace. This dioceſe contains all Cambridgeſhire and the iſle of Ely, excepting the pariſh Iſelham, which belongs to Rocheſter, and fifteen others, which are in the dioceſe of Norwich; and it has a pariſh in Norfolk, namely Emneth. The total number is 141, whereof 75 are impropriate. It is valued in the king's books at 2134*l*. 18*s*. 5*d*.; the clergy's tenth amounting to 384*l*. 14*s*. 9½*d*. The church is dedicated to St. Ethelred. The weſt parts were rebuilt by biſhop Ridal; the choir and lantern were begun by biſhop Norwold, and finiſhed by biſhop Frodſham. It has a biſhop, a dean, an archdeacon, eight prebendaries, with vicars, lay-clerks, choriſters, a ſchoolmaſter, uſher, and twenty-eight king's ſcholars. The ſeats of the biſhop are Ely Palace, Cambridgeſhire, and Wiſbeach caſtle, in the ſame county; anciently he had a palace in London, but it has been taken down, and on the ſite is built Ely-Place, Holborn. This ſee has given two ſaints and two cardinals to the church of Rome; and to the Engliſh nation nine lord chancellors, ſeven lord treaſurers, one lord privy ſeal, one chancellor of the exchequer, one chancellor to the univerſity of Oxford, two maſters of the rolls, and three almoners.

Chicheſter. Wilfride, the third archbiſhop of York, flying from Egfrid, king of Northumberland, and coming to preach the goſpel in the kingdom of the South Saxons, received from

Edilwach, king of that part of Britain, the iſle of Selſey, near Chicheſter, for his ſeat. In this place was founded, firſt a church, and ſubſequently a monaſtery, which was afterward erected into a biſhoprick, and, in proceſs of time, removed to Chicheſter, the principal city of the South Saxons. In ancient times, the biſhops of this ſee were confeſſors to the queens of England. The dioceſe contains the whole county of Suſſex, except twenty-two pariſhes, peculiars of the archbiſhop of Canterbury, compriſing 250 pariſhes, whereof 112 are impropriated. It is valued in the king's books at 677*l.* 1*s.* 3*d.* The tenths of the clergy are 287*l.* 2*s.* 0½*d.* To the cathedral belong a biſhop, a dean, two archdeacons, namely, of Chicheſter and Lewes, a treaſurer, a chancellor, thirty-two prebendaries, a chanter, twelve vicars choral, and other officers. The biſhop's ſeat is Chicheſter Palace. This ſee has yielded to the church two ſaints; and to the nation three lord chancellors, two almoners, and one chancellor to the univerſity of Oxford.

Saliſbury. This ſee has undergone many alterations from the time it was firſt eſtabliſhed, to its final ſettlement at Saliſbury. Its firſt ſeat was at Sherbon, in Dorſetſhire, and the dioceſe then had epiſcopal juriſdiction over all thoſe counties which now conſtitute the dioceſes of Saliſbury, Briſtol, Wells, and Exeter. But Wells and Exeter were diſmembered from it, and erected into diſtinct biſhopricks in 905; and, a few years afterward, another ſee was formed out of the remaining juriſdiction of Sherborn, and ſeated at Wilton, in Wiltſhire; but after having had eleven biſhops, it was re-united. The ſee was ſoon afterward removed to Saliſbury, ſubſequently to Old Sarum; but at length to Saliſbury again, where it has continued ever ſince. In ancient times, the biſhops were precentors to the archbiſhop of Canterbury. Edward IV. annexed the chancellorſhip of the garter to the biſhops of this ſee; and although the new ſtatutes made by Henry VIII. left this office ſolely at the king's diſpoſal, to be given to a clergyman or layman, yet, ſince biſhop Ward's time, 1667, it has continued, without interruption, to be conferred on the biſhops of Saliſbury. The dioceſe contains all Wiltſhire, except two pariſhes; all Berkſhire, except one pariſh, and part of another, and it has ſeveral pariſhes in Dorſetſhire, its own peculiars, making in all 544, of which 109 are impropriations. It is valued in the king's books at 1367*l.* 11*s.* 8*d.* The clergy's tenths amount to 901*l.* 8*s.* To the cathedral belong a biſhop, a dean, a precentor, a chancellor, three archdeacons, namely, of Saliſbury, Wiltſhire, and Berkſhire, a ſub-dean, a ſub-chanter, forty-five prebendaries, ſix vicars or petty canons, ſix ſinging men, eight choriſters, an organiſt, and other officers. The ſeat of the biſhop is Saliſbury Palace. The ſee has yielded

to

to the church of Rome one ſaint, and two cardinals, and to the Engliſh nation one lord chief juſtice, three lord chancellors, two lord treaſurers, two maſters of the rolls, two chancellors to the univerſity of Oxford, and one to Cambridge.

Exeter. This dioceſe contains what formerly conſtituted two biſhoprics, viz. Devonſhire and Cornwall. The church of the former was at Crediton, and of the latter at Bodmin. About the year 1032, the biſhopricks were united, and the biſhop removed the ſee to Exeter. The cathedral belonged to a monaſtery founded by king Athelſtan, and dedicated to St. Peter, but was given to the biſhop by Edward the Confeſſor, on his removing all the monks to his new abbey of Weſtminſter. Of the ancient fabric little remains, except what is called *our Lady's chapel*, the other parts having been built by ſucceſſive biſhops. This ſee was among the moſt wealthy in the kingdom, till its revenues were waſted, and its lands alienated and incumbered; but it is now neceſſary for the biſhop to hold ſome other preferments *in commendam* for the ſupport of his dignity and rank. The biſhoprick contains the entire counties of Devonſhire and Cornwall, including 604 pariſhes, whereof 239 are impropriate; it is valued in the king's books at 500*l.*; the clergy's tenth is 1200*l.* 15*s.* 2½*d.* To the cathedral belong a biſhop, a dean, four archdeacons, namely, of Cornwall, Exeter, Barnſtaple, and Totneſs, a chancellor, a treaſurer, a chanter, twenty-four prebendaries, and inferior officers and ſervants. The reſidence of the biſhop is Exeter palace. This ſee has yielded to the nation three lord chancellors, two lord treaſurers, one lord preſident of Wales, and one chancellor to the univerſity of Oxford.

Bath and Wells. This dioceſe, although it has a double name, is but one biſhoprick. Wells was erected into a ſee in 905, during the reign of Edward the Elder; but John de Villula, one of the biſhops, having purchaſed the city of Bath of Henry I. transferred his ſeat to that city, in 1088. Diſputes ariſing between the monks of Bath and the canons of Wells, reſpecting the election of a biſhop, they were compromiſed by a decree, that the biſhop ſhould be ſtyled from both places, Bath having the precedency; that on vacancies he ſhould be elected by a certain number of delegates from both churches, and inſtalled in both. They jointly were to conſtitute the biſhop's chapter, and all his grants and patents to be confirmed in both. This arrangement continued in force till the reformation, when an act of parliament enabled the dean and chapter of Wells to make one ſole chapter for the biſhop. This dioceſe contains the whole county of Somerſet, except a few churches in Briſtol; the number of pariſhes amounting to 388, of which 160 are impropriate, and the churches and chapels to 503. It

is valued in the king's books at 535*l.* 1*s.* 3*d.* The clergy's tenth is 353*l.* 18*s.* 0¾*d.* To the cathedral belong a biſhop, a dean, three archdeacons, a chancellor, a treaſurer, a ſub-dean, fifty-nine prebendaries, four prieſt-vicars, eight lay-vicars, an organiſt, ſix choriſters, and other officers. The biſhop has for ſeats Wells Palace, and a houſe at Barnwell in Somerſetſhire. This ſee has yielded to the church of Rome one cardinal; and to the civil ſtate of England ſix lord chancellors, five lord treaſurers, one lord privy ſeal, one lord preſident of Wales, and a ſecretary of ſtate.

Worceſter. This ſee was founded in 679, by Ethelred, king of the Mercians, who likewiſe built and endowed the cathedral church. This fabric, after being repaired, was deſtroyed by the Danes, and the church, which now ſtands, was begun by Wolſtan II. the twenty fifth biſhop of this ſee, about the year 1030, and dedicated to the Virgin Mary. The biſhops of Worceſter, in ancient times, were the peculiar chaplains of the archbiſhop of Canterbury, and by their office ſaid maſs in all aſſemblies of the clergy where he was preſent. This dioceſe contains all Worceſterſhire, except twenty-one churches and chapels, which belong to the ſee of Hereford; about a third part of Warwickſhire, two pariſhes in Staffordſhire, one in Shropſhire, and two chapelries in Glouceſterſhire, making in all 241 pariſhes, whereof 71 are impropriations. It is valued in the king's books at 1049*l.* 16*s.* 3¾*d.* The clergy's tenth is 228*l.* To the cathedral belong a biſhop, a dean, an archdeacon, a treaſurer, a chancellor, ten prebendaries, ten minor canons, ten lay clerks, ten choriſters, forty ſcholars, two ſchoolmaſters, and other officers and ſervants. The ſeats of the biſhop are Worceſter palace, and Hartleberry caſtle, in Worceſterſhire. This ſee has yielded to the church of Rome four ſaints; and to the Engliſh nation, five lord chancellors, three lord treaſurers, one chancellor to the queen, one lord preſident of Wales, and one vice preſident; and to the duchy of Normandy one chancellor.

Litchfield and Coventry. This biſhopric is ſaid to have been founded by Oſwy, king of Mercia, in 656 or 657; and although it has a double name, yet, like Bath and Wells, it is a ſingle dioceſe. It was ſo extremely wealthy, that king Offa, by the favour of pope Adrian, conſtituted it archiepiſcopal; but this title was laid aſide on his death. The ſee was removed to Cheſter, ſubſequently to Coventry, and again to Litchfield, but with great oppoſition from the monks of Coventry; and in arranging the diſputes which aroſe on the occaſion, an agreement was made which laſted till the reformation, when the priory of Coventry was diſſolved; the ſtyle of the biſhop continued as before, but the dean and chapter of Litchfield were made one ſole

chapter

chapter to the biſhop. The old church, built by king Oſwy being taken down by Roger de Clinton, the thirty-ſeventh biſhop, he built the preſent beautiful fabric in 1148, and dedicated it to the Virgin Mary and St. Chad. It ſuffered greatly in the rebellion, but ſoon after the reſtoration was repaired and beautified. This dioceſe contains the whole counties of Stafford and Derby, except two pariſhes of the former, the largeſt part of Warwickſhire, and nearly one half of Shropſhire, making 555 pariſhes, of which 250 are impropriate. It is valued in the king's books at 559*l.* 18*s.* 2¾*d.*; the clergy's tenth is 590*l.* 16*s.* 11¼*d.* To the cathedral belong a biſhop, a dean, a precentor, a chancellor, a treaſurer, four archdeacons, namely, Stafford, Derby, Coventry, and Shrewſbury, twenty-ſeven prebendaries, five prieſt vicars, ſeven lay-clerks, or ſinging-men, eight choriſters, and other under officers and ſervants. The ſeats belonging to the biſhoprick are Litchfield Cloſe, and Eccleſhal caſtle, in Staffordſhire. This ſee has given to the church three ſaints; and to the nation one lord chancellor, three lord treaſurers, three preſidents of Wales, one chancellor to the univerſity of Cambridge, and one maſter of the wardrobe.

Hereford. This ſee was a biſhopric in the Britons' time, and one of the ſuffragans to the metropolitan ſee of St. David's; but in the time of the Saxons transferred to Canterbury. The cathedral was founded by a nobleman named Milfride, in honour of Ethilbert, king of the Eaſt Angles, treacherouſly ſlain by the queen of Mercia, his intended mother-in-law. The preſent church was rebuilt by Rainelur, the thirtieth biſhop, and finiſhed by his ſucceſſors. The dioceſe contains the county of Hereford, (except eleven churches and chapels, which belong to the ſee of St. David's,) the better half of Shropſhire, four pariſhes in Monmouthſhire, ſix in Montgomeryſhire, eight in Radnorſhire, and twenty-one in Worceſterſhire; making in all 313, of which 162 are impropriations. The dioceſe is valued in the king's books at 768*l.* 10*s.* 6¾*d.*; the tenth of the clergy amounts to 340*l.* 2*s.* 2½*d.* To the cathedral belong a biſhop, a dean, a treaſurer, a chancellor, two archdeacons, of Hereford and Salop, 16 canons, 24 prebendaries, a chanter, and other inferior officers and ſervants. The biſhop has for reſidences, Hereford palace, and Whitburn, in the ſame county. This biſhopric has given two ſaints to the church; and to the ſtate two lord chancellors, three lord treaſurers, one lord deputy of Ireland, one chancellor to the queen, and two chancellors to the univerſity of Oxford.

Landaff. This is a very ancient ſee, but by whom founded is uncertain; it was one of the ſuffragans of Saint David's, and the firſt biſhop, indiſputably recorded, is St. Dubritius. The

ſee was formerly very wealthy; but its revenues have been greatly diminiſhed. The church is dedicated to St. Thelian once its biſhop; and takes its name from its ſituation; Lan, in Welch, ſignifying a church; and ſtanding near the river Taffi, in Glamorganſhire. This biſhopric contains about three fourths of Glamorganſhire, and all Monmouthſhire, except ſeven pariſhes; comprehending 177 pariſhes, whereof 98 are impropriations. It is valued in the king's books at 154*l.* 14*s.* 1*d.*; the clergy's tenth is 155*l.* 5*s.* 4*d.* To this cathedral belong a biſhop, an archdeacon, (who preſides in abſence of the biſhop,) and a chancellor. The ſeats of the biſhop are Mathern, in Northumberland, and Llandaff palace.

St. David's. This ſee, now the ſeat of a ſuffragan biſhop, was once the metropolitan ſee of Wales, and archiepiſcopal. When Chriſtianity was firſt planted in Great Britain, three archbiſhops' ſeats were appointed; London, (afterwards removed to Canterbury) York, and Caerleon Up Uſh, in Monmouthſhire. That at Caerleon being found to be too near the dominions of the Saxons, was removed to a place, then called Menew, in Pembrokeſhire; but afterwards in honour of the archbiſhop who tranſlated it, St. David's. It is from the firſt name that the biſhops ſtyle themſelves Menevenſis. The church ſtanding ſo near the ſea, frequently felt the deſolating hand of the Danes, Norwegians, and other pirates, and was ſpoiled and ruined. That which now remains was erected by Peter, the forty-ninth biſhop, and dedicated to St. Andrew and St. David; though now St. Andrew is omitted. The dioceſe contains the entire counties of Pembroke, Caermarthen, Brecknock, and Radnor, (five pariſhes of the latter excepted) with ſome ſmall parts of Monmouth, Hereford, Montgomery, and Glamorgan ſhires, in which are 308 pariſhes, whereof 120 are impropriate. It is valued in the king's books at 457*l.* 1*s.* 10½*d.* The clergy's tenth amounts to 336*l.* 14*s.* 10*d.* To the cathedral belong a biſhop, a precentor, with the power of a dean, a chancellor, a treaſurer, four archdeacons, namely, Cardigan, Caermarthen, Brecknock, and St. David's; nineteen prebendaries, eight vicars-choral, four choriſters, and other inferior officers. The ſeat of the biſhop is at Abergwily, in Caermarthenſhire. This ſee has given one ſaint to the church, and to the nation three lord treaſurers, one lord privy ſeal, a chancellor to the queen, and another to the univerſity of Oxford.

Bangor. The founder of this ſee is unknown; it is of very great antiquity; and the church is dedicated to St. Daniel, who was biſhop in the year 516; but, for near five hundred years afterwards, there is no certainty of the names of his ſucceſſors. The cathedral having been greatly defaced by Owen Glendower,

Biſhop

Biſhop Dean repaired it; but a ſubſequent prelate, named Bulkeley, not only alienated many of the lands, but even ſold the bells. This dioceſe contains the whole of Caernarvonſhire, (except three pariſhes,) the ſhire of Angleſey, and part of the ſhires of Denbigh, Merioneth, and Montgomery; in which are 107 pariſhes; whereof 36 are impropriated. It has three arch-deaconries, viz. Bangor, Angleſey, and Merioneth, of which the two firſt are commonly annexed to the biſhopric, for its better ſupport. This ſee is valued in the king's books at 131*l.* 16*s.* 4*d.*; the tenth of the clergy is 151*l.* 14*s.* 3½*d.* To the cathedral belong a biſhop, a dean, an arch-deacon, a treaſurer, and two prebendaries, endowed; a precentor, a chancellor, and three canons not endowed; three vicars-choral, an organiſt, lay clerks, choriſters, and other officers. The biſhop reſides at Bangor palace, in Caernarvonſhire.

St. Aſaph. This biſhopric was founded about the year 560, by Kentigern, biſhop of Glaſgow. He began the church on the banks of the river Ebwy, but returning into Scotland, left St. Aſaph, his ſucceſſor. This ſee was formerly wealthy; but its revenues were leſſened by the profuſion of one of its biſhops. It does not contain any whole county, but conſiſts of part of Denbigh, Flint, (where its church is,) Montgomery and Merioneth ſhires, and a ſmall part of Shropſhire; including 121 pariſhes, and 131 churches and chapels, moſt of which are in the immediate patronage of the biſhop. This ſee has but one archdeaconry, viz. that of St. Aſaph, which is united to the biſhopric, for its better maintenance. The ſee is valued in the king's books at 187*l.* 11*s.* 6*d.* The tenth of the clergy is 18*l.* 19*s.* 6½*d.* To this cathedral belong a biſhop, a dean, archdeacon, chancellor, &c. The biſhop's ſeat is at St. Aſaph, in Flintſhire.

Glouceſter. This ſee was one of the ſix erected by Henry VIII. in 1541, and was formerly part of the dioceſe of Worceſter. The cathedral was the church belonging to the abbey, the revenues of which were appropriated to the maintenance of the biſhop. This dioceſe comprehends all Glouceſterſhire, (two chapelries excepted,) Briſtol deanery, and the pariſh of King's-wood, in Wiltſhire, containing 236 pariſhes, whereof 125 are impropriated. It is valued in the king's books at 315*l.* 17*s.* 2*d.* and the clergy's tenth is 358*l.* 15*s.* To the cathedral belong a biſhop, a dean, an archdeacon, a chancellor, ſix prebendaries, and inferior officers and ſervants. The reſidence of the biſhop is Glouceſter palace.

Briſtol. This dioceſe was alſo erected by Henry VIII. at the reformation. The cathedral was the church of the abbey of St. Auſtin, founded by Robert Fitz-Harding; it contains a

dean and ſix prebendaries. During a great part of queen Elizabeth's reign, this ſee was held *in commendam* by the biſhop of Glouceſter; it was formed chiefly out of the dioceſe of Saliſbury, with a ſmall part from thoſe of Wells and Worceſter. It contains moſt of the city of Briſtol, and all the county of Dorſet, making 236 pariſhes, of which 64 are impropriate. It is valued in the king's books at 338*l.* 8*s.* 4*d.* The tenth of the clergy is 353*l.* 18*s.* 0½*d.* To this cathedral belong a biſhop, a dean, an archdeacon, a chancellor, ſix prebendaries, and inferior officers and ſervants. Seat of the biſhop, Briſtol palace.

Peterborough. This dioceſe is another of thoſe erected and endowed by king Henry VIII. at the reformation, and was wholly taken from that of Lincoln. This place was anciently denominated Medeſhamſtede; but Wolpher, king of the Mercians, founding an abbey, and dedicating it to Saint Peter, the place was called Peterborough. The church was deſtroyed by the Danes; but rebuilt with great beauty, and continued flouriſhing till the reformation. This dioceſe contains the counties of Northampton and Rutland, except three pariſhes in each, and comprizes 293 pariſhes, whereof 91 are impropriated. It is valued in the king's books at 414*l.* 19*s.* 11*d.* the tenth of the clergy amounting to 520*l.* 16*s.* 8*d.* To the cathedral belong (as conſtituted by king Henry VIII.) a biſhop, a dean, an archdeacon, ſix prebendaries, a treaſurer, a chancellor, eight petty-canons, four ſtudents in divinity, an epiſtler, a goſpeller, a ſub-dean, ſub-treaſurer, a chanter, and other officers and ſervants. The biſhop reſides at Peterborough caſtle, and Caſtor, in Northumberland.

Oxford. This dioceſe conſtituted a part of that of Lincoln, until 1541, when Henry VIII. erected it into a biſhopric, and endowed it out of the lands of the diſſolved monaſteries of Abingdon and Oſney; and aſſigned the church of the abbey of Oſney, for a cathedral; but, five years afterwards, he removed the ſeat of the ſee to Oxford. The preſent cathedral was anciently dedicated to Saint Frideſwide; but, on the tranſlation of the ſee, it was entitled Chriſt Church, and part of the lands, appropriated by Cardinal Wolſey to the maintenance of his college, was allotted to the dean and chapter; but during the reign of queen Elizabeth, the ſee was ſtripped of almoſt all the ample endowments it received from her father. This dioceſe contains the county of Oxford, having 195 pariſhes, of which 88 are impropriated. It is valued in the king's books at 354*l.* 16*s.* 4½*d.*; the clergy's tenth amounts to 255*l.* 8*s.* To this cathedral belong a biſhop, a dean, a chancellor, an archdeacon, a treaſurer, eight canons, and inferior officers and ſervants. The ſeat is at Cuddeſden, in Oxfordſhire.

Cheſter.

Chester. The bishopric of Chester was anciently part of the diocese of Litchfield; one of whose bishops removing his see hither in 1075, occasioned his successors to be frequently styled bishops of Chester. But it was not erected into a distinct bishopric until the general dissolution of monasteries, when Henry VIII. allotted the church of the abbey of St. Werburg for its cathedral, making the bishop a suffragan of Canterbury, though he soon after transferred it to York. This diocese contains the entire counties of Chester and Lancaster, part of Westmoreland, Cumberland, and York, two chapelries in Denbighshire, and five parishes in Flintshire, amounting in all to 256 parishes, of which 101 are impropriations. It is valued in the king's books at 420*l.* 1*s.* 8*d.*; the clergy's tenth amounting to 43*l.* 12*s.* To this cathedral belong a bishop, a dean, two archdeacons, a chancellor, a treasurer, six prebendaries, and inferior officers and servants. The episcopal abode is Chester palace.

Durham. The seat of this see was first at Landisfarne, or Holy Island, on the coast of Northumberland; but the invasions of the Danes compelled a removal to Chester on the street, and after two hundred years it was finally settled at Durham. The bones of St. Cuthbert the sixth bishop, having been carried from place to place in these removals, were deposited in the cathedral of Durham; to him the church was dedicated; and all the county, or bishopric, was called St. Cuthbert's patrimony, king Alfred conferring on the bishops all the county between the rivers Tees and Tyne, which donation was augmented by his successors. This is deemed the richest bishopric in the kingdom, and the prebends are frequently stiled the Golden Prebends of Durham. The present beautiful cathedral was begun soon after the conquest, by William, the thirtieth bishop, and finished by his successors. The diocese contains the whole counties of Durham and Northumberland, except the jurisdiction of Hexham, in the latter. It has also one parish in the county of Cumberland, making in the whole 135 parishes, whereof 87 are impropriate. The see is valued in the king's books at 2821*l.* 1*s.* 5½*d.* The clergy's tenth amounts to 385*l.* 5*s.* 6½*d.* To the cathedral belong a bishop, a dean, a chancellor, a treasurer, two archdeacons, twelve prebendaries, and many inferior officers and servants. The seats of the bishop are Durham palace, and Auckland castle, Durham. This see has given to the church of Rome eight saints and one cardinal, and to the English nation one lord chief justice, five lord chancellors, three lord treasurers, one principal secretary of state, one chancellor to the university of Oxford, and two masters of the rolls.

Carlisle. This see was erected in 1133, by Henry I. and made

made ſuffragan to York. The cathedral had been founded a ſhort time before, by Walter, deputy for William Rufus, and dedicated to the Virgin Mary. He likewiſe built a monaſtery, for canons regular of St. Auguſtine; but at the diſſolution its lands were added to the ſee, for the maintenance of a dean and chapter. The church was almoſt ruined by Cromwell's ſoldiers, and has never recovered its former beauty, although repaired after the reſtoration. The dioceſe contains the greateſt part of the counties of Cumberland and Weſtmoreland, in which are only 93 pariſhes, but exceedingly large, and of them 18 are impropriations. This ſee is valued in the king's books at 530*l.* 4*s.* 11¼*d.* The clergy's tenth amounts to 161*l.* 1*s.* 7¼*d.* To the cathedral belong a biſhop, a dean, a chancellor, an archdeacon, four prebendaries, eight minor canons, and other inferior officers and ſervants. The abode of the biſhop is Roſe Caſtle in Cumberland. This ſee has given to the Engliſh nation one lord chancellor, two treaſurers, and three chancellors to the univerſity of Cambridge.

Man. The biſhop of this iſle is not a lord of parliament. An account of his ſee will be given in deſcribing the Iſle of Man.

ORDINARY. In treating of eccleſiaſtical matters, and particularly the juriſdiction of the church, the title Ordinary frequently occurs; it is a civil-law term for any judge who has authority to take cognizance of cauſes in his own right, and not by deputation. By the common law, it is taken for him who has ordinary, or exempt, and immediate, juriſdiction in cauſes eccleſiaſtical; it applies to a biſhop who has original juriſdiction; and an archbiſhop is the ordinary of the whole province, to viſit and receive appeals from inferior authorities. It is alſo uſed for every commiſſary, or official of the biſhop, or other eccleſiaſtical judge, having judicial power. An archdeacon is an ordinary; and ordinaries may grant adminiſtration of inteſtates' eſtates, &c.; but the biſhop of the dioceſe is the true and only ordinary to certify excommunications, lawfulneſs of marriage, and ſimilar eccleſiaſtical and ſpiritual acts to the judges of the common law; for he is the perſon to whom the court is to write in ſuch caſes. Formerly, when the clergy were exempt from the juriſdiction of temporal courts, eccleſiaſtical offenders were delivered to the ordinary for ſafe cuſtody, and if convicted by a jury, were puniſhed only by degradation, loſs of goods, and privation of the profits of their benefices; but this privilege was aboliſhed by the ſtat. 8. Eliz. c. 4.

DEANS AND CHAPTERS. A dean and chapter are the council of the biſhop, to aſſiſt him with their advice in affairs of religion, and alſo in the temporal concerns of his ſee. When the reſt of the clergy were ſettled in the ſeveral pariſhes of each dioceſe,

ceſe, theſe were reſerved for the celebration of divine ſervice in the cathedral; and the chief of them, who preſided over the reſt, obtained the name of *decanus*, or dean, being probably firſt appointed to ſuperintend *ten canons* or prebendaries. There are various kinds of deans, beſides deans of chapters; and it requires ſeveral diviſions to diſtinguiſh them properly. Conſidered in reſpect of the *difference of office*, deans are of *ſix* kinds; 1. Deans of *chapters*, who are either of cathedral or collegiate churches, though the members of churches of the latter ſort may more properly be denominated *colleges* than *chapters*. 2. Deans of *peculiars*, who have ſometimes both juriſdiction and cure of ſouls, as the dean of Battel, in Suſſex, and ſometimes juriſdiction only, as the dean of the arches in London, and the deans of Bocking, in Eſſex, and of Croydon, in Surrey. 3. *Rural* deans. Theſe are very ancient officers of the church, but almoſt grown out of uſe, though their deaneries ſtill ſubſiſt as an eccleſiaſtical diviſion of the dioceſe, or archdeaconry. They ſeem to have been deputies of the biſhop, planted all round his dioceſe, the better to inſpect the conduct of the parochial clergy, to inquire into and report dilapidations, and to examine the candidates for confirmation; and armed in minuter matters, with an inferior degree of judicial and coercive authority. 4. Deans in the colleges of univerſities, who are officers appointed to ſuperintend the behaviour of the members, and enforce diſcipline. 5. Honorary deans, as the dean of the chapel royal at St. James's, who is ſo ſtyled on account of the dignity of the perſon over whoſe chapel he preſides. As to the chapel of St. George, Windſor, there being canons as well as a dean, it is ſomething more than a mere chapel, and, except in name, reſembles a collegiate church. 6. Deans of provinces, or, as they are ſometimes called, deans of biſhops. Thus the biſhop of London is dean of the province of Canterbury, and to him, as ſuch, the archbiſhop ſends his mandate for ſummoning the biſhops of his province, when a convocation is to be aſſembled; which perhaps may account for calling the dean of the province dean of the biſhops.

Another diviſion of deans, ariſing from the nature of the office, is into deans of ſpiritual promotions, and of lay promotions. Of the former kind are deans of peculiars, with cure of ſouls, deans of the royal chapels, and deans of chapters; though as to theſe laſt a contrary opinion formerly prevailed. Perhaps, too, rural deans may be added to the number. Of the latter kind are deans of peculiars, without cure of ſouls, who therefore may be, and frequently are, perſons not in holy orders.

In regard to the manner of appointment, deans are, 1. Elective,

tive, as deans of chapters of the old foundation, though they are only ſo nominally and in form, the king being the real patron. 2. Donative, as thoſe deans of chapters of the new foundation, who are appointed by the king's letters patent, and are inſtalled under his command to the chapter, without reſorting to the biſhop, either for admiſſion, or for a mandate of inſtallation; if that mode of promoting ſtill prevails in reſpect to any of the new deaneries*. Deans of the royal chapels are alſo donative, the king appointing in the ſame way. So, too, may deans of peculiars, without cure of ſouls, be called; as the dean of the arches, who is appointed by commiſſion from the archbiſhop of Canterbury; but this muſt be underſtood in a large ſenſe of the word donative, it being moſt uſually reſtrained to ſpiritual promotions. 3. *Preſentative*, as ſome deans of peculiars with cure of ſouls, and the deans of ſome chapters of the new foundation, if not all. Thus the dean of Battel is preſented by the patron to the biſhop of Chicheſter, and from him receives inſtitution. Thus, too, the dean of Glouceſter is preſented by the king to the biſhop, with a mandate to admit him, and to give orders for his inſtallation. 4. By *virtue* of *another office*, as the biſhop of London is dean of the province of Canterbury, and the biſhop of St. David is dean of his own chapter. Again in reſpect of the manner of holding, deans are ſo abſolutely, or *in commendam*. But this diviſion applies only to ſpiritual deaneries.

It is in general terms noted, as a diverſity between the appointment of the ancient deans, and of the new, that the ancient come in like biſhops; for they are choſen by the chapter, by a *congé d'elire*, and the king, giving his royal aſſent, they are confirmed by the biſhop; while they who are newly tranſlated or founded, are donative, and, by the king's letters patent, are inſtalled. As to the old deaneries, it is very difficult to trace the ſubject, with any tolerable degree of preciſion, higher than the reign of king John, or to aſcertain what was the legal mode of conſtituting deans of chapters before. If our ancient chronicles are to be depended on, nothing could be more variable than the practice for ſeveral reigns after the conqueſt. Thus, in the church of York, we find ſometimes the archbiſhop collating to the deanery, ſometimes the king conferring, and ſometimes the chapter electing; and it is probable that a like uncertainty prevailed in other cathedrals. At length, however, after many ſtruggles, the elective mode of conſtituting deans, as well as

* The new deaneries and chapters to old biſhopricks are eight, Canterbury, Norwich, Wincheſter, Durham, Ely, Rocheſter, Worceſter, and Carliſle. The new deaneries and chapters to new biſhopricks are five, Peterborough, Cheſter, Glouceſter, Briſtol, and Oxford.

biſhops,

biſhops, abbots, and priors, was eſtabliſhed throughout the kingdom, and confirmed by a charter, made in the 16th year of the reign of king John. But notwithſtanding the ſtrong terms in which the freedom of canonical election is provided for by this charter, and the repeated confirmation of it by various ſtatutes, the election of a dean by the chapter, is, by long practice, converted into a mere form, and the king is, in reality, as much the patron of the old, as he is, both in name and ſubſtance, of the new deaneries. For two centuries paſt at leaſt, the king's *congé d'elire*, which, by the charter of John, muſt precede every election of a prelate, and was in uſe long before, has been invariably accompanied with a *letter miſſive*, recommending a particular perſon, whom the chapter of courſe elect their dean. In the caſe of the old biſhopries, which are filled in the ſame form, the election of the perſon named by the crown is ſecured by the ſtatute of the 25th Henry VIII. which compels the chapter to yield to the recommendation by the pains of a *præmunire*. But no ſuch ſtatute has been yet made in reſpect to the old deaneries, and therefore the right of the crown over them reſts wholly on the charter of king John, and the ſubſequent practice. Here, then, it may be aſked how the crown, without the aid of a ſtatute, can enforce its claim of patronage, and what are the means by which the nomination would be made effectual, if the chapter ſhould diſregard the royal recommendation, and perſevere in a free exerciſe of the right of electing? This queſtion may be reſolved by conſidering that even the charter of king John requires the king's confirmation of the choice made by the chapter, and therefore, by refuſing to confirm, he may always prevent the effect of their election. Nay, it has been ſaid, that the election is ſo wholly a ceremony, as not even to be eſſential, and that, before any act of parliament to diſpenſe with it, the king might nominate to the old biſhopricks by letters patent, without reſorting to the chapter for the form of their concurrence; and the old deaneries are within the ſame reaſon.

As to the deans of the new foundation, though the king nominates by letters patent, yet ſome, if not all, of the cathedral churches are now deemed preſentative, and not donative, the practice being to preſent the letters patent to the biſhop for inſtitution and a mandate of inſtalment. As to thoſe new deaneries, which had ſtatutes requiring a preſentation, and uſually complied with after the reſtoration, there cannot be the leaſt doubt of their being legally preſentative. But if there are any of the new deaneries, the rules and ſtatutes of whoſe churches are wholly ſilent as to preſentation, it is moſt likely

that they have always been donative, and ſtill continue ſo, and probably the church of Weſtminſter may fall under this deſcription, it being collegiate, and not for any other purpoſe ſubject to the juriſdiction of any biſhop.

Theſe obſervations muſt be confined to England, the deaneries of Wales being under different circumſtances. Of the four Welſh cathedrals, two are without deans, or rather the dignities of biſhop and dean unite in the ſame perſon, the biſhop being deemed *quaſi decanus*, and having, it is ſaid, both an epiſcopal throne and a decanal ſtall allotted to him in the choir. The cathedral churches of St. David's and Landaff, are of this kind. St. Aſaph and Bangor have the dignity of dean diſtinct from that of biſhop, but the patronage of both deaneries is in the reſpective biſhops, they being neither elective by the chapter, nor donative by the crown.

Dean is a title of dignity which belongs to this ſtation; as having eccleſiaſtical adminiſtration, with juriſdiction or power annexed, and no ſtations in the cathedral church under the degree of a biſhop are dignities, ſtrictly ſpeaking, beſides thoſe of the dean and the archdeacon, unleſs where juriſdiction is annexed to any of the reſt, as in ſome caſes it is to prebendaries and others. In ancient times, the biſhop, dean, and chapter, and all other perſons belonging to, or connected with cathedral churches, held their poſſeſſions together in groſs; but afterwards, for the avoiding of confuſion, and ſome other cauſes, they were ſevered, and part of the lands aſſigned to the biſhop and his ſucceſſors, and other parts to the dean and chapter, each to hold by themſelves; and ſo they have ever ſince continued.

The duty of a dean is to viſit his chapter; and anciently the canons made their confeſſions to him; he may make a deputy or ſubdean, to exerciſe the ſpiritual juriſdiction; yet ſuch deputy cannot charge the poſſeſſions of the church, or even confirm leaſes, unleſs it be otherwiſe provided by the local ſtatutes. By the canon law, every dean ought, in every year, to be reſident in his cathedral church fourſcore and ten days at leaſt, *conjunctim* or *diviſim*, preaching the word of God, and keeping good hoſpitality, unleſs hindered by weighty and urgent cauſes, to be approved by the biſhop, or lawfully diſpenſed with. And the ſame code provides that deans in cathedral and collegiate churches ſhall not only preach there in their own perſons, ſo often as they are bound by law, ſtatute, ordinance, or cuſtom, but ſhall likewiſe preach in other churches of the ſame dioceſe where they are reſident, and eſpecially in thoſe places whence they or their church receive any yearly rents or profits. And in caſe they be ſick, or lawfully abſent, they ſhall ſubſtitute ſuch licenſed preachers, approved by the biſhop. The profits of a deanery,

deanery, during vacation, go to the ſucceſſor, towards payment of his firſt fruits.

A chapter of a cathedral church conſiſts of perſons eccleſiaſtical, canons, and prebendaries, whereof the dean is chief; they are aſſiſtants to the biſhop in matters relating to the church, for confirmation of leaſes of the temporalities, and offices relating to the biſhopric. The chapter, in a collegiate church, is more properly called a college, as at Weſtminſter and Windſor. There may be a chapter without a dean; as that of the collegiate church of Southwell, and their grants are perfectly effectual. One biſhop may have two chapters, by union or conſolidation; and, in that caſe, both muſt confirm his leaſes.

The dean and chapter is a body corporate ſpiritual, conſiſting of perſons originally ſelected by the biſhop; but they derive their corporate capacity from the crown. At preſent the biſhop has little more left to him than the power of viſiting them, and that very much limited, and he is now ſcarcely allowed to nominate half of thoſe to their prebends, who all were originally of his family. This rule, however, varies in different ſees, as in ſome the biſhops have more extenſive powers of viſitation and appointment than in others. The dean and chapter cannot alter the ancient and approved uſages of their church, without conſent of the biſhop; and if they do, ſuch innovations are declared void by the canon law. Beſides that authority which deans and chapters have within their own bodies, they have ſometimes an eccleſiaſtical juriſdiction in ſeveral neighbouring pariſhes and deaneries; and this eccleſiaſtical juriſdiction is executed by their officials; and they have alſo temporal juriſdiction in ſeveral manors belonging to them, as well as biſhops, where their ſtewards keep courts.

PREBENDARIES AND CANONS. The books, and many perſons in ordinary converſation confound the two words, prebend, and prebendary: whereas the former ſignifies the office, or the ſtipend annexed to it; and the latter, the perſon who executes the office and enjoys ſuch ſtipend. A prebend, is an endowment in land, or penſion in money, given to a cathedral or conventual church *in prebendum*; that is, for the maintenance of a ſecular prieſt or regular canon; who was a prebendary, as ſupported by the ſaid prebend. A canonry alſo is a name of office; and a canon is the officer in like manner as a prebendary; and a prebend is the maintenance or ſtipend of both. Prebendaries are diſtinguiſhed into ſimple and dignitary. A *ſimple* prebendary has no cure, and no more than his revenue for his ſupport; a *dignitary* prebendary has always a juriſdiction annexed, which is gained by preſcription. Of common right the biſhop is patron of all the prebends, becauſe the poſſeſſions were derived from

from him; but if a prebend be in the gift of a layman, the patron preſents to the biſhop, who inſtitutes in like manner as to any other benefice; and then the dean and chapter induct them, that is, after ſome ceremonies, place them in a ſtall in the cathedral church, to which they belong; whereby they are ſaid to have a place in the choir. Some prebends are elective by the dean and chapter; and ſome donative: at Weſtminſter, the king collates by patent; in virtue of which the prebendary takes poſſeſſion without inſtitution or induction. No perſon may hold more than one prebend in the ſame church; and if a prebendary accepts a deanery in the ſame church, his prebend is void by ceſſion; but a prebend and a parochial benefice are not incompatible; they may be holden together, without diſpenſation.

By the eccleſiaſtical law no prebendaries nor canons in cathedral or collegiate churches, having one or more benefices with cure, (and not being reſidentiaries in their cathedral or collegiate churches) ſhall, under colour of their ſaid prebends, abſent themſelves from their benefices with cure, above the ſpace of one month in the year; unleſs it be for ſome urgent cauſe, and certain time to be allowed by the biſhop.

ARCHDEACON. As deacons were all, originally, the attendants and ſervants of their ſeveral biſhops in church affairs; it was found neceſſary, towards the end of the third century, to elect in ſeveral dioceſes one from among the reſt, who was ſtyled Archdeacon; by degrees this office became univerſal, and its powers and duties were gradually eſtabliſhed. By the canon law the archdeacon is ſtyled the *biſhop's eye*; and in his abſence has authority to hold viſitations, and under the biſhop to examine clerks previous to ordination, and alſo before inſtitution and induction; he has likewiſe power of excommunication, injunction of penances, ſuſpenſion, correction, inſpecting and reforming irregularities and abuſes among the clergy; and a charge of the parochial churches within the dioceſe: in a word, he was to ſupply the biſhop's room, and in all things to be his vicegerent. But as, in general, the archdeacon's juriſdiction is founded on immemorial cuſtom, he has in ſome places much greater power than in others. In the dioceſe of Carliſle, for inſtance, he has no juriſdiction; but retains the right of examining and preſenting perſons to be ordained, and of inducting perſons inſtituted. The judge of the archdeacon's court (where he does not preſide himſelf) is called the official; and an appeal lies from this to the biſhop's court; or, if he be archdeacon of an archbiſhop, to the court of arches.

Archdeaconries are commonly given by biſhops, by collation; but

but if an archdeaconry be in the gift of a layman, the patron preſents to the biſhop, who inſtitutes in the uſual manner, and the dean and chapter induct by placing him in a ſtall in the cathedral. Archdeacons, by the 13 and 14 Charles II. c. 4. are to read and declare their aſſent to the common prayer, and ſubſcribe ſuch aſſent before the ordinary; but they are not obliged, by the 13th Elizabeth, to ſubſcribe the thirty-nine articles; for although an archdeaconry is a benefice with cure, yet it is not included in that ſtatute, becauſe it has no particular church belonging to it. Archdeacons are alſo to take the oaths at the ſeſſions, like other perſons qualifying for offices.

PRIEST, PARSON, RECTOR. The term *prieſt* is of large extent, ſignifying a perſon who, by the ſtatute 13 and 14 Charles II. c. 4. is capable of being admitted to a benefice by having been ordained in the form which will hereafter be deſcribed, and which cannot take place till he has completed his twenty-fourth year; he is then, in ſtrict propriety, termed a clerk in orders, the word prieſt being more frequently uſed to denote the clergy of the church of Rome. A *parſon*, *perſona eccleſiæ*, is one that has full poſſeſſion of a parochial church; he is called parſon, *perſona*, becauſe, by his perſon, the church, which is an inviſible body, is repreſented, and he is in himſelf a body corporate, in order to protect and defend the rights of the church, which he perſonates, by a perpetual ſucceſſion. He is ſometimes called the *rector*, or governor of the church; but the appellation of *parſon*, (however it may be depreciated by familiar, clowniſh, and indiſcriminate uſe) is the moſt legal, moſt beneficial, and moſt honourable title that a pariſh prieſt can enjoy; becauſe ſuch a one, Sir Edward Coke obſerves, and he only, is ſaid *vicem ſeu perſonam eccleſiæ gerere*.

APPROPRIATION. A parſon has, during his life, the freehold in himſelf of the parſonage houſe, the glebe, the tithes, and other dues; but theſe are ſometimes *appropriated*; that is to ſay, the benefice is perpetually annexed to ſome ſpiritual corporation, either ſole or aggregate, being the patron of the living; which the law eſteems equally capable of providing for the ſervice of the church, as any ſingle private clergyman; a contrivance which ſeems to have ſprung from the crafty policy of the monaſtic orders. At the firſt eſtabliſhment of parochial clergy, the tithes of the pariſh were diſtributed in a four-fold diviſion; one for the uſe of the biſhop, another for maintaining the fabric of the church, a third for the poor, and the fourth to provide for the incumbent. When the ſees of the biſhops became otherwiſe amply endowed, they were prohibited from demanding their uſual ſhare of theſe tithes, and the diviſion was in three parts only; and hence it was inferred by the monaſteries, that a ſmall part was ſufficient for the officiating prieſt, and that the

remainder might well be applied to the uſe of their own fraternities, ſubject to the burthen of repairing the church, and providing for its conſtant ſupply. They therefore begged and bought, for maſſes and obits, and ſometimes even for money, all the advowſons within their reach, and then appropriated the benefices to the uſe of their own corporations. In order effectually to complete an appropriation, it is neceſſary to obtain the king's licence, and conſent of the biſhop; becauſe both may have an intereſt, by lapſe, in the preſentation, which can never happen if it is appropriated to a corporation, which never dies; and becauſe the law repoſes a confidence in them, that they will not conſent to any thing prejudicial to the church. The conſent of the patron alſo is neceſſarily implied, becauſe the appropriation can be originally made only to ſuch ſpiritual corporation, as is alſo the patron of the church; the whole being indeed nothing more than an allowance for the patrons to retain the tithes and glebe in their own hands, without preſenting any clerk, they themſelves undertaking to provide for the ſervice of the church. When the appropriation is thus made, the appropriators and their ſucceſſors are perpetual parſons of the church, and muſt ſue and be ſued, in all matters concerning its rights, by the name of parſons. This appropriation may be ſevered, and the church become diſappropriate two ways; firſt, if the patron or appropriator preſents a clerk, who is inſtituted and inducted to the parſonage; as he will be, to all intents and purpoſes, complete parſon; and the appropriation, being once ſevered, can never be re-united, unleſs by a repetition of the former ſolemnities. Alſo, if the corporation, which has the appropriation, is diſſolved, the parſonage becomes diſappropriate, becauſe the perpetuity of perſon neceſſary to ſupport the appropriation is gone. At the diſſolution of monaſteries, the appropriations of the ſeveral parſonages which belonged to them, amounting to more than one-third of all the pariſhes in England, would, by the rules of the common law, have been diſappropriated; but the ſtatutes of diſſolution gave them, without alteration, to the king. From this exception, and the diſſolution of alien priories, have ſprung all the lay appropriations or ſecular parſonages in the kingdom; they having been afterwards granted out, from time to time, by the crown.

VICAR. Theſe appropriating corporations were uſed, at firſt, to appoint a clerk in orders, called a *vicar*, to perform the duties of the church, whoſe office was for a time ſubject to their pleaſure, and his emolument very inconſiderable. But various ſtatutes were framed to remedy this abuſe, particularly one, 4 Hen. IV. c. 12. which ordained, that the vicar ſhould be a ſecular perſon, not a member of any religious houſe; vicar perpetual, not removable at pleaſure, and canonically inſtituted and inducted,

and ſufficiently endowed, at the diſcretion of the ordinary. The endowments, in conſequence of theſe ſtatutes, have uſually been by a portion of the glebe, and what were generally called privy or ſmall tithes.

CURATES. Curate ſometimes denotes the incumbent in general, who has the cure of ſouls; but more frequently it ſignifies a clerk not inſtituted to the cure of ſouls, but exerciſing the ſpiritual office in a pariſh under the rector or vicar; and in this latter ſenſe it is moſt generally underſtood in the Engliſh language, and will be conſidered here; the former is the meaning of the French word *curé*, and ſo it is occaſionally introduced into our writings. Of curates there are two kinds; firſt, temporary, who are appointed under the ſpiritual rector or vicar, either as aſſiſtant to him in the ſame church, or executing the office in his abſence in his pariſh church, or elſe in a chapel of eaſe within the ſame pariſh belonging to the mother church; the other by way of diſtinction, called perpetual, which is, where there is in a pariſh neither ſpiritual rector nor vicar, but a clerk is employed to officiate by the impropriator. The firſt mentioned curates are the objects of ſeveral ſtatutes, the moſt important of which is that of the 53 Geo. III. c. 149. This act directs, that every non-reſident incumbent ſhall, within three months after his induction or the reſignation of his laſt curate, nominate one to be licenſed by the biſhop of the dioceſe or the ordinary, or he ſhall loſe the benefit of his diſpenſation, and be ſubject to the penalties of non-reſidence. The biſhop or ordinary is to fix his ſalary, which is to be in proportion to the value of the benefice and its population, but not leſs than 80*l.* per annum, unleſs the intire living ſhall not be worth ſo much; and the biſhop may, if the living is worth 400*l.* a year, allow the curate 100*l.*, although the population is leſs than the ſtatute generally requires. All agreements contrary to this clauſe are void, and thoſe who make them are ſubject to penalties; but in very particular caſes the biſhop may diminiſh the allowance, giving his reaſons in the licence. The biſhop may alſo direct that the curate ſhall live in the parſonage houſe, and, when neceſſary, oblige him to quit. Every incumbent applying for a licence for non-reſidence is to ſtate to the biſhop or ordinary what ſalary he means to give the curate, whether the curate is to reſide in the pariſh, and whether at the parſonage, if he has any other curacy or church duty or preferment, and alſo the groſs value of the living in reſpect of which the licence is applied for; on application for a curate's licence, a ſimilar ſtatement is to be made, and both are to be filed and kept by the regiſtrar of the dioceſe in a ſeparate book, preſerved from public inſpection; and not diſcloſed, unleſs with leave of the biſhop

or ordinary. The appointment of a curate in a chapel of eaſe ſeems moſt properly to belong to the incumbent of the mother church. By agreement of the biſhop, patron, and incumbent, the inhabitants may have a right to elect and nominate a curate; but the ordinary's licence is neceſſary, before he can officiate, and he muſt take the oaths of allegiance and ſupremacy, and ſubſcribe his aſſent to the common prayer and the articles of religion.

LECTURERS. In London and other cities, lecturers are appointed as aſſiſtants to rectors; they are generally choſen by the veſtry or chief inhabitants, and are uſually the afternoon preachers. Moſt cathedral churches have alſo one or more lecturers; and lectureſhips have been founded by the donation of private perſons, as Lady Moyer's at St. Paul's, and many others. It ſeems generally, that the biſhop has power only to judge as to the qualification and fitneſs of the perſon, and not as to the right of lectureſhip; but where there is no fixed lecturer, or ancient ſalary, nor any cuſtom to regulate the election, the ordinary is the proper judge whether any lecturer ought to be admitted.

READERS. The office of reader is one of five inferior orders of the Romiſh church; and in this kingdom, in churches or chapels where there is only a ſmall endowment, and no clergyman will take upon him the cure, it has been uſual to admit readers that divine ſervice may not be neglected. On the reformation, they were obliged to ſubſcribe articles not to preach or interpret, but only read that which is appointed by public authority; not to miniſter the ſacraments or other public rites of the church, but bury the dead, and purify women after their childbirth; to keep the regiſter-book; be ſober in apparel, and peaceable in demeanour; to give place on the appointment of a miniſter, and claim no more emoluments than ſhould be allowed by the ordinary; to read daily a chapter of the Old and one of the New Teſtament, and generally not to intrude their office, but conform to the regulations of the ordinary. Several hoſpitals have readers of prayers, who are uſually licenſed by the biſhop.

DEACON is an order next inferior to that of a prieſt, or rather a gradation toward it. A deacon may be ordained at twenty-three years of age, but cannot hold an eccleſiaſtical benefice till he has attained twenty-four; he may read the ſervice of the church, preach, baptize, marry, and bury the dead, but he cannot pronounce the abſolution, nor conſecrate the holy ſacrament.

ORDINATION. The church of England acknowledges, in the form of ordination, only thoſe perſons who appear in the Holy ſcriptures and ancient authors to have been miniſters of Chriſt's church

church from the time of the apostles, namely, bishops, priests, and deacons. There were, in the Romish church, several other orders, as subdeacons, acolythis, exorcists, readers, and ostiaries; but although the offices of some of them are preserved in our church, their express ordination is not deemed necessary. Deacons and ministers can be regularly ordained only on the Sundays immediately following the ember weeks, which were appointed in ancient times for prayer and fasting, for this purpose, but, on urgent occasion, the ceremony may take place on some other Sunday, and in the face of the church. The place of ordination is the cathedral, or parish church, where the bishop resides.

In the ordination of deacons, it appears that, by virtue of a faculty, obtained from the archbishop of Canterbury, the age of twenty-three years may be dispensed with; but a priest can in no wise be ordained at an earlier age than twenty-four.

A canon of the church ordains that no person shall be admitted into sacred orders, except he shall, at that time, exhibit to the bishop, of whom he desires imposition of hands, a presentation of himself to some ecclesiastical preferment then void in the diocese; or shall bring to the said bishop a true and undoubted certificate, that either he is provided of some church within the said diocese, where he may attend the cure of souls, or of some minister's place vacant, either in the cathedral or some other collegiate church in that diocese, where he may execute his ministry; or that he is a fellow, or in right as a fellow, or to be a conduct or chaplain in some college in Cambridge or Oxford; or except he be a master of arts of five years standing, that lives at his own charge in either of the universities; or except by the bishop himself, who ordains him minister, he is shortly after to be admitted either to some benefice or curateship then void. And if any bishop shall admit any person into the ministry that has none of these aides, he shall keep and maintain him with all things necessary, till he prefers him to some ecclesiastical living; and this on pain of being suspended by the archbishop from giving orders for one year. And as these laws might be eluded by a promise from the person ordained not to insist on such maintenance, it was determined that this being a public right, cannot be released. And, by the canon law, persons making such promise could not, without dispensation, be admitted to a higher order nor to minister in that already taken.

Anciently the examination of a party proposing to take orders, comprized many particulars, which are not now insisted on: the points were, if he was unworthy, void of understanding, illegitimate, irregular, illiterate, a simoniac, homicide, a person excommunicate, usurer, sacrilegious person, incendiary or falsifier,

or having any canonical impediment, whether proceeding from defect or crime. Thoſe who, being born out of wedlock, were ordained without diſpenſation, were ſuſpended till they obtained it; as were *irregulars*, including homicides, advocates in cauſes of blood, ſimoniſts, makers of ſimoniacal contracts; and who, being infected with the contagion, had knowingly taken orders from heretics, ſchiſmatics, or perſons excommunicated by name; alſo bigamiſts, huſbands of lewd women, violators of virgins conſecrated to God, perſons excommunicate, and perſons having taken orders ſurreptitiouſly, ſorcerers, burners of churches, and others of the like kind. Thoſe who took holy orders in the conſcience of mortal ſin, or for temporal gain only, were to be ſuſpended till they made expiation by penance.

The examination or inquiry to be made by the biſhop is now limited to the capacity, learning, piety, and virtue of the candidate. To inſure theſe, it is ordered by the canons, that the biſhop knowing, either by himſelf, or by ſufficient teſtimony, any man to be of virtuous converſation, and without crime; and after examination and trial, finding him learned in the Latin tongue, and ſufficiently inſtructed in the holy ſcripture, may admit him a deacon. But no biſhop ſhall admit any perſon into ſacred orders, except he has taken ſome degree in either of the two univerſities; or at the leaſt, except he be able to yield an account of his faith in Latin, according to the thirty-nine articles, which latter direction is enforced by the ſtatute 13 Eliz. c. 12.

The ordinary way by which this muſt appear to the biſhop, is by the exhibition of letters teſtimonial of his good life and converſation, under the ſeal of ſome college of Cambridge or Oxford, where he was reſident, or of three or four grave miniſters, together with the ſubſcription and teſtimony of other credible perſons, who have known his life and behaviour for the ſpace of three years next preceding. And no one can receive prieſt's orders, unleſs he firſt bring to the biſhop of that dioceſe, from men known to the biſhop to be of ſound religion, a teſtimonial both of his honeſt life, and of his profeſſing the doctrine expreſſed in the thirty-nine articles.

The form of examination is this: when the biſhop intends to hold an ordination, all who are deſirous of being admitted into the miniſtry are to appear on the fourth day before the ordination, when the biſhop appoints ſome of the prieſts attending him, and others ſkilled in the divine law and exerciſed in the eccleſiaſtical functions, diligently to examine the life, age, and title of the perſons to be ordained, at what place they had their education, whether they be learned and inſtructed in the law of God. This examination is diligently continued three ſucceſſive days, and, on the Saturday, they who are approved are preſented

ſented to the biſhop. A biſhop ordaining without due examination is liable to ſuſpenſion from the exerciſe of that power for one year; the ſentence to be paſſed by an archbiſhop, aſſiſted by one biſhop. Perſons are not to be ordained by any other than their own biſhop, without letters dimiſſory from him, or, in his abſence, from his vicar-general, except he be of one of the univerſities. The biſhop ſo ordaining may be ſuſpended from conferring the ſame ordination till he ſhall have made ſatisfaction, and the perſon admitted till he ſhall obtain the diſpenſation of his own biſhop. Letters dimiſſory may be granted by any biſhop to perſons born, promoted, or reſident in the dioceſe, and they may be granted at once to all orders, and directed to any catholick biſhop at large.

Dr. Wake, archbiſhop of Canterbury, in a letter written to his ſuffragans, in 1716, delineates, with great force and perſpicuity, their duties with reſpect to ordination, particularly in the following articles: "1. That you require of every perſon who "deſires to be admitted to holy orders, that he ſignify to you "his name and place of abode, and tranſmit to you his teſtimo- "nial, and a certificate of his age duly atteſted, with the title "upon which he is to be ordained at leaſt twenty days before the "time of ordination; and that he appear on Wedneſday, or, at "fartheſt, on Thurſday in Ember Week, in order to his exa- "mination. 2. That if you ſhall reject any perſon who applies "for holy orders, on account of immorality proved againſt him, "you ſignify the name of the perſon ſo rejected, with the rea- "ſon, to me, within one month, that ſo I may acquaint the reſt "of my ſuffragans with his caſe before the next ordination. "3. That you admit not any perſon to holy orders, who, having "reſided any conſiderable time out of the univerſity, does not "ſend to you, with his teſtimonial, a certificate ſigned by the "miniſter and other credible inhabitants of the pariſh where "he ſo reſided, expreſſing that notice was given in the church, "in time of divine ſervice, on ſome Sunday, at leaſt a month "before the day of ordination, of his intention to offer himſelf "to be ordained at ſuch a time, to the end, that any perſon "who knows any impediment, or notable crime, for which he "ought not to be ordained, may have opportunity to make his "objection againſt him. 4. That you admit not letters teſti- "monial on any occaſion, unleſs it be therein expreſſed for what "particular end and deſign ſuch letters are granted; nor unleſs "it be declared by thoſe who ſhall ſign them, that they have "perſonally known the life and behaviour of the perſon for "the time by them certified, and do believe, in their conſcience, "that he is qualified for that order, office, or employment, to "which he deſires to be admitted. 5. That in all teſtimonials

" ſent from any college or hall in either of the univerſities, you " expect that they be ſigned as well as ſealed; and that among " the perſons ſignified, the governor of ſuch college or hall, or, " in his abſence, the next perſon under ſuch governor, with " the dean or reader of divinity, and the tutor of the perſon to " whom the teſtimonial is granted (ſuch tutor being in the " college, and ſuch perſon being under the degree of maſter of " arts) do ſubſcribe their names. 6. That you admit not any " perſon to holy orders upon letters dimiſſory, unleſs they are " granted by the biſhop himſelf, or guardian of the ſpirituali- " ties *ſede vacante*; nor unleſs it be expreſſed in ſuch letters, " that he who grants them has fully ſatisfied himſelf of the " title and converſation of the perſon to whom the letter is " granted."

Before ordination every perſon muſt take the oaths of allegiance and ſupremacy, before the ordinary or commiſſary. None ſhall be admitted to the order of deacon or miniſtry, unleſs he ſubſcribe to all the articles of religion agreed on in convocation in 1562, which only concern the confeſſion of the true Chriſtian faith, and the doctrine of the ſacraments. Theſe articles ought to be ſubſcribed before the biſhop himſelf, the declaration being in this form: "I A. B." mentioning both the Chriſtian and ſurname of the party, "do willingly and *ex animo* " ſubſcribe to theſe articles, and to all things that are contained " in them;" and if any biſhop ſhall ordain any, except he ſhall firſt have ſo ſubſcribed, he ſhall be ſuſpended from giving orders for twelve months.

The ordination, as well of deacons as of miniſters, is, according to the canon, to be performed in the time of divine ſervice, in the preſence not only of the archdeacon, but of the dean and two prebendaries at the leaſt, or, if they ſhall by any lawful cauſe be hindered, in the preſence of four other grave perſons, being maſters of arts at the leaſt, and allowed for public preachers. However, in practice, a leſs number is ſometimes admitted by virtue of the rubric in the office of ordination, which is eſtabliſhed by act of parliament 13 & 14 C. II. At the time of ordination, the biſhop ſolemnly enjoins the people, if any of them knows any impediment or notable crime in any of the perſons preſented to be ordained, to come forth and ſhew what the crime or impediment is; and if any ſufficient objection is made, the biſhop muſt forceaſe from ordaining that perſon until he exculpates himſelf.

Before the goſpel the biſhop, ſitting in his chair, cauſes the oaths of allegiance and ſupremacy to be again miniſtered to every one that is to be ordained; then laying his hands ſeverally upon the head of every one who is to be ordained deacon, he

ſays,

fays, "Take thou authority to execute the office of a deacon in "the church of God committed unto thee, in the name of the "Father, and of the Son, and of the Holy Ghoſt. Amen." And he delivers to each of them the new Teſtament, ſaying, "Take thou authority to read the goſpel in the church of God, "and to preach the ſame, if thou be thereto licenſed by the "biſhop himſelf." In concluſion, the biſhop declares to the deacon that he muſt continue in that degree a year, unleſs for ſome ſpecial cauſe, and acquaints him with the reaſons of ſuch regulation.

In the ordination of prieſts, all the ceremonies before deſcribed are obſerved to the adminiſtration of oaths of allegiance and ſupremacy*, after which the biſhop, with the prieſts preſent, lay their hands ſeverally on the head of every one that receives the order of prieſthood; the receivers humbly kneeling, and the biſhop ſaying, "Receive the Holy Ghoſt for the office "and work of a prieſt in the church of God, now committed "unto thee by the impoſition of our hands. Whoſe ſins thou "doſt forgive, they are forgiven; and whoſe ſins thou doſt re"tain, they are retained. And be thou a faithful diſpenſer of "the word of God, and of his holy ſacraments: in the name "of the Father, and of the Son, and of the Holy Ghoſt." Then the biſhop ſhall deliver to every one of them kneeling, the Bible into his hand, ſaying, "Take thou authority to preach "the word of God, and to miniſter the holy ſacraments in "the congregations where thou ſhalt be lawfully appointed "thereunto."

Every parſon, vicar, and curate, ſhall, at the biſhop's firſt viſitation, or at the next viſitation, after his admiſſion, exhibit to him his letters of orders, to be by him allowed, or, upon juſt cauſe, diſallowed and rejected; when approved, they are ſigned by the regiſter; the whole fees for which are paid but once in the time of every biſhop, and afterward but half. No curate is admitted to officiate in another dioceſe, unleſs he brings with him his letters of orders; and no biſhop can inſtitute to a benefice a clerk ordained by another biſhop, except he firſt ſhew letters of orders.

* The 24 Geo. III. c. 35. after reciting that, by the laws of the realm, perſons who are admitted into holy orders muſt take the oath of allegiance; and that there are divers ſubjects of foreign countries deſirous that the word of God ſhould be adminiſtered to them according to the liturgy of the church of England, by ſubjects or citizens of the ſaid countries, ordained according to the form of ordination in the church of England; empowers the biſhop of London, or any other biſhop to be by him appointed, to admit to the order of deacon or prieſt, for the purpoſes aforeſaid, perſons ſubjects or citizens of countries out of his majeſty's dominions, without requiring them to take the ſaid oath of allegiance. But they are not to exerciſe their office within his majeſty's dominions, and this exemption from taking the above oath is to be mentioned in their teſtimonials.

But

But it is to be obſerved, that if a mere layman is admitted and inſtituted to a benefice with cure, and performs holy offices, as baptiſm or marriage, theſe, and all other ſpiritual acts performed by him while he continues parſon in fact, are good; nor is it required that perſons ſhall be re-baptiſed or married again to ſatisfy the law.

Ordination is the firſt of four requiſites to the attainment of an eccleſiaſtical benefice or living with cure of ſouls; thoſe which remain are *preſentation*, *inſtitution*, and *induction*.

Advowson. But before entering on theſe topics, it may be fit to notice the property in eccleſiaſtical livings, the parties from whoſe donations they may be derived, and the impediments which may ariſe between a vacancy and a preſentation. Advowſon is the right of preſentation to a church, or eccleſiaſtical benefice; it is derived from *advocatio*, which ſignifies the taking into protection, and therefore is ſynonimous with patronage *(patronatus)*: and he who has this right is called the patron of the church.

The right of advowſon, or of preſenting a clerk to the biſhop as often as a church becomes vacant, was firſt gained by ſuch as were founders, benefactors, or maintainers of the church; for although the nomination of fit perſons to officiate throughout the dioceſe was originally in the biſhop alone, yet when lords of manors were willing to build churches, and endow them with manſe and glebe for the accommodation of fixed and reſiding miniſters, the biſhops encouraged ſuch pious undertakings by permitting thoſe lords to nominate clergymen to thoſe churches; but reſerved an abſolute right to judge of the fitneſs of the perſons nominated; and this became, in proceſs of time, the law of the church.

Advowſons are either *appendant*, or *in groſs*. Lords of manors being originally the only founders and patrons of churches, the right of preſentation, ſo long as it continues annexed to the poſſeſſion of the manor, is called an advowſon appendant; and it will paſs, or be conveyed, together with the manor, as incident and appendant without adding any ſpecial words. But where the property of the advowſon has been once ſeparated from the property of the manor, it is called an advowſon *in groſs*, or at large, and can never more be appendant. Advowſons are alſo either *preſentative*, *collative*, or *donative*:—*preſentative*, where the patron has a right to preſent a clerk to the biſhop or ordinary, and demand his inſtitution if canonically qualified: *collative*, where the biſhop and patron are the ſame perſon; in which caſe, the biſhop by the one act called collation accompliſhes the whole effect of preſentation and inſtitution: *donative*, when the king, or any ſubject by his licence, founds a church

or

or chapel, and ordains that it ſhall be merely in the gift or diſpoſal of the patron; ſubject to his viſitation only, and not to that of the ordinary; and veſted abſolutely in the clerk by the patron's deed of donation without preſentation, inſtitution, or induction. All kinds of eccleſiaſtical preferments may be donative, as well as preſentative or elective; biſhoprics were ſo, after the conqueſt, until the time of king John; ſome prebends are ſo, as at Windſor, Weſtminſter, and in the chapels of the king; benefices with cure of ſouls are ſo, as the rectory of Briery or Burieu in Cornwall, and the church of the tower of London. With reſpect to donatives, ſome peculiarities deſerve notice; one is, that the preſentation does not devolve to the king, as in other livings, when the incumbent is made a biſhop; another, that they are within the ſtatutes of pluralities if a donative is the firſt living; but if it were the ſecond benefice taken without a diſpenſation, the firſt would not be void, for the words of the ſtatute are, *inſtituted and inducted to any other*, which are not applicable to donatives; and if the true patron *once* waves his privilege of donation and preſents to the biſhop, and his clerk is admitted and inſtituted, the advowſon becomes for ever preſentative and ſhall be donative no more.

The right of preſenting to the next or any ſucceeding avoidance may be conveyed by deed, or deviſed by will; and if it goes by deſcent to coparceners, the ordinary is bound to admit the clerk of the elder ſiſter at the firſt avoidance, the ſecond ſiſter preſents at the next vacancy, and ſo by turns till all the ſiſters or their heirs have preſented, and then the eldeſt begins again. This rotation may be ſuperſeded by an agreement to preſent together, or to preſent in ſome other manner.

The beneficial intereſt in an advowſon may be injured in various ways, for each of which the law has provided a remedy. It may be by *diſturbance of patronage*; which is an hindrance or obſtruction of a patron to preſent his clerk to a benefice; or by *uſurpation*, which happens when a ſtranger, who has no right, preſents a clerk and he is admitted and inſtituted. In this caſe, the patron, by the common law, loſt not only the preſentation *pro hac vice*, but alſo the abſolute and perpetual inheritance of the advowſon, unleſs before the next avoidance he recovered his right by writ of *right of advowſon*: and if he recovered by virtue of this proceſs, he regained his title to preſent at the next avoidance, but did not remove the intruded clerk; and in order to recover, he muſt prove a preſentation in himſelf or ſome of his anceſtors. But frequent inſtitutions of uſurping clerks through the careleſſneſs or colluſion of biſhops becoming a ſerious grievance, it was, by ſtatute Weſtm. 2. 13 Edw. I. c. 5.

§ 2.

§ 2. and another 7 Anne c. 18. placed on this reaſonable foundation: that if a ſtranger uſurps a preſentation, and the patron does not purſue his right within ſix months, he ſhall loſe that turn without remedy, for the peace of the church, and as a puniſhment for his own negligence; but at the next term he preſents again without any intermediate proceſs. Thus uſurpation gains no right to the uſurper, with regard to any future avoidance; it cannot indeed be remedied after ſix months; but, during that period, it is only a ſpecies of diſturbance.

Diſturbers of a right of advowſon may be theſe three perſons: the pſeudo-patron, who by preſenting to a church to which he has no right, makes it litigious or diſputable; his clerk, who promotes the ſame inconvenience; and the ordinary, who refuſes to admit the real patron's clerk, or admits the clerk of the pretender. For theſe diſturbances, beſides the writ of right of advowſon, the eccleſiaſtical and ſtatute law have given ſeveral remedies.

The *aſſize of darrein preſentment*, is one which can only avail where the plaintiff has an advowſon by deſcent from his anceſtors; and it is now intirely diſuſed, as the *quare impedit* affords an equal remedy whether the claim ariſes from anceſtry or purchaſe, and is the only action now reſorted to. It will be fit, however, to premiſe, the uſual proceedings previous to the bringing of this writ.

Upon the vacancy of a living, the patron is bound to preſent within ſix calendar months, otherwiſe it will lapſe to the biſhop; but if a fit preſentation is made within that time, the biſhop is bound to admit and inſtitute the clerk; unleſs the church is full, or there is notice of litigation. Therefore if any oppoſition is intended, it is uſual for each party to enter a *caveat*, with the biſhop, to prevent his inſtitution of his antagoniſt's clerk; and after this monition, an inſtitution is void by the eccleſiaſtical law; though not in the temporal courts where the *caveat* is treated as a mere nullity. But if two preſentations are offered to the biſhop on the ſame avoidance, the church is ſaid to become *litigious*; and, if no further proceedings are taken, the biſhop may ſuſpend the admiſſion of either, and ſuffer a lapſe to incur. To prevent this, either patron or either clerk may requeſt him to award a *jus patronatus*, and he is bound to comply. A *jus patronatus* is a commiſſion from the biſhop, directed uſually to his chancellor and others of competent learning, who are to ſummon a jury of ſix clergymen and ſix laymen, to inquire into and examine who is the rightful patron; and if, upon ſuch inquiry made, and certificate thereof returned by the commiſſioners, he admits and inſtitutes the clerk of that

patron

patron whom they return as the true one, the biſhop ſecures himſelf at all events from being a diſturber, whatever proceedings may be afterwards had in the temporal courts.

The clerk refuſed may have a remedy againſt the biſhop in the ſpiritual court, by a *duplex querela*, which is a complaint in the nature of an appeal from the ordinary to his next immediate ſuperior; as from a biſhop to the archbiſhop, or from an archbiſhop to the delegates: and if the ſuperior court adjudges the cauſe of refuſal to be inſufficient, it will grant inſtitution to the appellant.

Thus far the parties may proceed in the mere eccleſiaſtical court; but on the firſt delay or refuſal of the biſhop to admit his clerk, the patron generally reſorts to thoſe of common law, bringing his writ of *quare impedit* againſt the biſhop, for diſturbing him in his preſentation. In this proceſs, if the delay ariſes from the biſhop alone, as upon pretence of incapacity, he only is named in the writ; but if another preſentation is ſet up, the pretended patron and his clerk are alſo joined in the action; or it may be brought againſt the patron and clerk, omitting the biſhop; or againſt the patron only. It commands the diſturbers to permit the plaintiff to preſent a proper perſon (without ſpecifying the particular clerk) to ſuch a vacant church, which pertains to his patronage; and which the defendants, as he alleges, do obſtruct; and unleſs they ſo do, then that they appear in court to ſhew the reaſon why they hinder him. If the plaintiff ſuſpects that the biſhop will admit the defendant's or any other clerk, pending the ſuit, he may have a prohibitory writ, called *a ne admittas*; which recites the contention begun in the king's courts, and forbids the biſhop to admit any clerk till it is determined; and if the biſhop diſregards this writ, even though the patron's right may have been found in a *jus patronatus*, the plaintiff, after he has obtained judgment in the *quare impedit*, may remove the incumbent, by writ of *ſcire facias*, and have a ſpecial action againſt the biſhop, called a *quare incumbravit*, to recover the preſentation, and damages for incumbring the church with a clerk, pending the ſuit. But this action will not lie if the biſhop has incumbered the church before the *ne admittas* iſſued. In the proceedings on a *quare impedit*, the plaintiff muſt ſet out his title at length, and prove at leaſt one preſentation in himſelf, his anceſtors, or thoſe under whom he claims; for he muſt recover by the ſtrength of his own right, and not by the weakneſs of the defendant's: and he muſt alſo ſhew a diſturbance before the action brought. The biſhop and the clerk uſually defend only as ordinary, and as preſentee of the patron, who is left to maintain his own right. If the deciſion is in favour of the plaintiff, on the trial, further

inquiry

inquiry is made: 1. Whether the church is full; and whether of the defendant's preſentation, that the clerk may be removed by writ brought in due time. 2. The value of the living, in order to aſſeſs damages; and 3. In caſe of plenarty upon an uſurpation, whether ſix calendar months have elapſed between the avoidance and the time of bringing the action: for then it would not be within the ſtatute. If a verdict is found for the plaintiff, and he has commenced his action in due time, he has judgment to recover the preſentation; and if the church is full, to remove the clerk, unleſs it was filled *pendente lite* by lapſe to the ordinary, he not being party to the ſuit; in which caſe the plaintiff loſes his preſentation, but may recover two years full value of the church from the pretended patron, as a ſatisfaction for the turn loſt by his diſturbance: or, in caſe of inſolvency, the defendant ſhall be impriſoned for two years. But if the church remains ſtill void at the end of the ſuit, the ſucceſsful party may have a writ directed to the biſhop *ad admittendum clericum*, reciting the judgment of the court, and ordering him to admit and inſtitute his clerk. If the biſhop refuſes, the patron may ſue him by a writ of *quare non admiſit*, and recover damages.

In a writ of *quare impedit*, which is almoſt the only real action remaining in common uſe, and alſo in the aſſiſe of *durrein preſentment*, and writ of right, the patron only, and not the clerk, is allowed to ſue the diſturber; but the preſentation to benefices which belong to Roman catholic patrons, being according to their ſeveral counties, veſted in, and ſecured to the two univerſities, the ſtatute 12 Anne, ſt. 2. c. 14. provides that, beſides the writ of *quare impedit*, to which the univerſities as patrons are entitled, they, *or their clerks*, may be at liberty to file a bill in equity againſt any perſon preſenting to ſuch livings, and diſturbing their right of patronage, or his *ceſtuy que truſt*, or any other perſon whom they have cauſe to ſuſpect; in order to compel a diſcovery of any ſecret truſts, for the benefit of papiſts, in evaſion of thoſe laws whereby this right of advowſon is veſted in thoſe learned bodies: and alſo by the ſtatute 11 George II. c. 17. to compel a diſcovery whether any grant or conveyance, ſaid to be made of ſuch advowſon, were made *bona fide* to a proteſtant purchaſer, for the benefit of proteſtants; and for a full conſideration; without which requiſites every ſuch grant and conveyance of any advowſon or avoidance is abſolutely null and void. This is a particular law, and calculated for a particular purpoſe: but in no inſtance but this does the common law permit the clerk himſelf to interfere in recovering a preſentation, of which he is afterwards to have the advantage.

Lapſe,

Lapſe, as already has been intimated, accrues where the patron does not preſent to a vacant benefice within ſix calendar months, and by ſucceſſive progreſſions of the ſame period, the right of preſentation devolves from the patron to the biſhop as ordinary; from the biſhop to the metropolitan as ſuperior, and from the metropolitan to the king as paramount. The ſix months are calculated in caſes of deprivation or reſignation, not from the day when thoſe circumſtances took place, but from the time when the patron had notice. In caſe of death, no notice is neceſſary, though if the incumbent died in parts beyond ſea, a proper period would be allowed for the intelligence to arrive. But if the patron were beyond ſea when the incumbent died, it does not appear that this would occaſion any extenſion of time in his favour. If he preſents an inſufficient clerk, he does not gain time, but a lapſe is incurred if one who is ſufficient is not preſented within ſix months from the day when the laſt incumbent died.

During this period, or during that in which any ſubſequent lapſes may accrue, the living is ſaid to be in a ſtate of *vacation*, and the ordinary ſends out his *ſequeſtration**, to have the cure ſupplied, and to preſerve the profits (after the expences deducted) for the uſe of the ſucceſſor. Sometimes a benefice is kept under ſequeſtration for many years together; it may be ſo wholly, when it is of ſo ſmall value, that no clergyman fit to ſerve the cure will be at the charge of taking it by inſtitution: in this caſe, the ſequeſtration is committed ſometimes to the curate only, ſometimes to the curate and church-wardens jointly. Sometimes the fruits and profits of a living which is in controverſy, either by the conſent of parties, or the judge's authority, are ſequeſtered and placed for ſafety, in a third hand; and thus, during a litigation of title, the revenues are carefully preſerved, and given to the victor: the judge alſo generally appoints ſome miniſter to ſerve the cure, during this interval, commanding thoſe to whom the ſequeſtration is committed, to allow him a fit ſalary out of the profits.

PRESENTATION. The general rules concerning preſentation are; that it muſt be to a void benefice, for a cuſtom to chuſe a ſupernumerary was declared by the court of king's bench to be fooliſh and void; it muſt be made by the patron himſelf; and it has even been ſaid, that if he were only a year old, or younger, ſome one ought to guide his pen, for preſentation by a guardian is void, nor can the aſſignees of a bankrupt preſent to a void [illegible], though they may ſell the whole ſubſequent right of the

* Sequeſtrations are alſo made for other cauſes; particularly neglect of duty, [illegible] of the incumbent which there are no other means to ſatisfy; and on refuſal to repair houſes and chancels after due notice.

bankrupt

bankrupt to the advowſon. If a married woman has the title, the preſentation muſt be made jointly by the huſband and wife. The king has the final right in caſe of lapſe, and the ſole right on promotion to a biſhopric; and the lord chancellor, or lord-keeper of the great ſeal, has a right to preſent to the king's benefices, under a certain yearly value. A perſon cannot preſent himſelf; but if he offers himſelf to the ordinary, and is admitted, ſuch admiſſion will be good; but the moſt eligible mode is, to make over the right to another before the avoidance in truſt to preſent the aſſignor.

Preſentations muſt be made in writing, by a letter miſſive on a ſtamp; and where a corporation aggregate preſent, it is done under their common ſeal. The letter of preſentation is addreſſed to the ordinary, or, in his abſence, to his vicar general in ſpirituals, or to any other perſon having ſufficient authority, reciting the death of the late incumbent, and requiring him to admit the perſon therein named, and to inſtitute and induct him to the living.

A preſentation once made by eccleſiaſtical perſons, is not revocable; but the king may revoke at any time before induction, and abſolutely; and lay patrons before admiſſion, and inſtitution, and then not abſolutely, but *cumulando*, that is, by preſenting another perſon, and thus leaving to the choice of the ordinary, whom of the two he will admit. This may be a convenient mode of avoiding litigation, and ſoftening the rejection of a clerk whom the ordinary may have very good reaſons for refuſing.

Examination. After preſentation, the biſhop has two months allowed him to enquire and examine into the life, conduct, faith and learning of the individual propoſed; not that it is abſolutely neceſſary for ſo long a ſpace to elapſe, but at the end of that term, at the furtheſt, a deciſion muſt be made. By the canon no biſhop is to inſtitute a clerk, who has been ordained by another, except on production of his letters of orders; and a ſufficient teſtimony of his former good life and behaviour if required; and unleſs he ſhall appear on due examination to be worthy of his miniſtry. The principal examination is as to learning, and this goes not merely to original languages of the ſcriptures, and the fathers of the church, but to any other language the want of which may render the clerk incapable of the cure. For it is a maxim that where there is a mixture of divers languages in any place, the perſon preſented muſt underſtand the ſeveral languages, and therefore ignorance of Welſh was declared to be a good cauſe of refuſal, where the ſervice was to be performed in that language, and the objection would be equally valid if the clerk did not underſtand Engliſh; nor would it be an effectual plea to allege that the language

language required might be learnt, or that a curate might, in the mean time, perform that part of the duty.

With reſpect to life and faith, a clerk preſented may lawfully be refuſed; if perjured before a lawful judge, an heretic, ſchiſmatic, irreligious, or within age, or if he or his patron be excommunicated for the ſpace of forty days; or if he be outlawed, or guilty of forgery, or has committed ſimony in procuring the preſentment he brings, or of another preſentment of a former benefice, or if attainted of manſlaughter, and not pardoned. It is ſaid, that the ordinary may refuſe a clerk on his own knowledge for a ſufficient offence, although he is not convicted by law. If an eccleſiaſtical patron preſents a clerk who is refuſed, he cannot preſent a-new, but the benefice, without notice, lapſes to the ordinary; but a lay patron muſt have notice, and is at liberty to preſent another clerk, ſo he be received within ſix months from the time when the living became vacant.

If the ordinary finds no legal objections, he admits the clerk. The term admiſſion is ſometimes conſidered as incluſive of inſtitution, but properly ſpeaking it is merely the reverſe of rejection; in ancient times it appears to have been accompanied with a ceremony called inveſtiture, but that is diſcontinued.

Institution or Collation. There is no difference between inſtitution and collation as to the act itſelf; but as the biſhop does not preſent to livings in his own gift, or which fall to him by lapſe, he immediately collates his clerk in the ſame form as he or his chancellor inſtitutes one preſented by any other patron. The biſhop either inſtitutes in perſon, or gives his fiat to the clerk, and empowers his viçar general, chancellor, or commiſſary, to perform the ceremony. It is not neceſſary, that examination, admiſſion, or inſtitution, ſhould be made within the dioceſe in which the church is; for the juriſdiction of the ordinary, as to ſuch matters, is not local, but follows his perſon wherever he goes.

The following oaths and ſubſcriptions are required from the clerks on this occaſion: the oath againſt ſimony, thoſe of allegiance and ſupremacy, that of canonical obedience to his proper biſhop in all things lawful and honeſt, and, if the inſtitution is to a vicarage, that of perſonal reſidence, unleſs diſpenſed with. The ſubſcriptions are to the king's ſupremacy, the lawfulneſs and ſufficiency of the common prayer, the thirty-nine articles, and the declaration or promiſe of conforming to the liturgy.

During inſtitution, the clerk kneels before the ordinary, who reads the form from a written inſtrument, to which is appendant the epiſcopal ſeal, which the clerk is to hold in his hand. A

diſtinct and particular entry of the inſtitution is made in the public regiſter of the ordinary, containing the circumſtances, cauſe, and patronage in virtue of which it was done; and it is of great importance that ſuch entries be duly made and carefully preſerved. For more certain aſſurance, the ordinary generally makes letters teſtimonial of the inſtitution, and then executes and delivers to the clerk a written mandate requiring the archdeacon, or other proper perſon, to induct him.

INDUCTION. After inſtitution, induction renders the clerk complete incumbent, giving him corporeal poſſeſſion. By this, he becomes ſeiſed of the temporalities of the church, acquiring power to grant, or ſue for them; by this, he is unexceptionably entitled to plead, that he is parſon imparſonee; and by this alſo, the church is completely full, not only againſt a common perſon, (for ſo it is by inſtitution) but alſo againſt the king.

In inducting a clergyman, the perſon to whom the mandate of the ordinary is addreſſed, uſually takes him by the hand, and lays it upon the key or ring of the church door, or if the church is ruinous, on part of the wall of the church or church-yard, and ſays to this effect; "By virtue of this mandate, I do induct you into the real, actual, and corporeal poſſeſſion of this church of N. with all the rights, profits, and appurtenances thereto belonging." After which the inductor opens the door, and puts the perſon inducted into the church, who uſually tolls a bell, to make his induction public and known to the pariſhioners; which being done, the clergyman who inducted indorſes a certificate on the archdeacon's mandate, and they who were preſent teſtify it under their hands.

Donatives are given and fully poſſeſſed, by virtue of a writing of the patron, without preſentation, inſtitution, or induction; ſo in the king's free chapels, the grantee is put in poſſeſſion by the ſheriff of the county, and not the ordinary. In ſome places, a prebendary gains poſſeſſion without induction; as at Weſtminſter, where the king makes collation by his letters patent. In ſome places the biſhop makes the induction, in ſome, others make it, but in all, the ancient cuſtom is the ground of regulation. The poſſeſſion of ſinecures is obtained, like that of other rectories and vicarages, by preſentation, inſtitution, and induction. It is to be obſerved that, if a parſon or vicar ſue for tythes in right of his benefice, he is in ſtrictneſs bound to prove his inſtitution, induction, and all other acts required by law to qualify him to be incumbent, and it may be neceſſary to prove the ſame facts in ſome caſes relating to the rights of others; it is therefore fit that every clergyman ſhould cauſe a regular written memorandum to be made and ſubſcribed by a ſufficient number of credible witneſſes who were preſent on the occaſion,

caſion, both of his induction, and the performance of the following ceremonies:

Within two months after his induction, the clergyman, on ſome Lord's day, muſt openly, publicly, and ſolemnly, and at the proper time, read the morning and evening prayers; and publicly before the congregation declare his unfeigned aſſent and conſent to the uſe of all things therein contained and preſcribed, in theſe words, and no others: "I, A. B. do here declare my unfeigned "aſſent and conſent to all and every thing contained and pre-"ſcribed in and by the book, intituled, The Book of Com-"mon Prayer and Adminiſtration of the Sacraments, and other "Rites and Ceremonies of the Church, according to the uſe of "the church of England; together with the Pſalter or Pſalms "of David appointed as they are to be ſung or ſaid in churches; "and the form or manner of making, ordaining, and conſe-"crating of biſhops, prieſts, and deacons." He muſt alſo, within the ſame period, read the thirty-nine articles in the time of common prayer, and, in like manner, declare his free and unfeigned aſſent to them, and every part of them; and further, within three months, he muſt publicly and openly read the ordinary's certificate of his having ſubſcribed the declaration of conformity to the liturgy of the church of England, as by law eſtabliſhed, together with the ſame declaration or acknowledgment, upon ſome Lord's day within three months next after ſuch ſubſcription, in his pariſh church where he is to officiate, in the preſence of the congregation there aſſembled in the time of divine ſervice. And on failure in either of theſe obligations, he is *ipſo facto* deprived, and the patron, within ſix months after notice, muſt preſent another to the benefice, or it will lapſe.

Privileges and Restraints. Many privileges were conferred, and many reſtraints impoſed on the clergy by the ancient canonical laws, which are now abrogated, grown obſolete, or ceaſe to be claimed. By the inſtitutes of the Romiſh church, the clergy were forbidden to marry, but this unſcriptural reſtraint, equally repugnant to good morals and ſound policy, vaniſhed before the light of the reformation. By the letter of the canon, they could not miniſter in ſecular affairs, and were therefore inhibited from being named juſtices, or becoming miniſters of juſtice; yet it is well known that, by ſucceeding clauſes, introduced into the canon, the Romiſh clergy filled not only the judge's ſeat in the court of chancery, but were often juſtices of other courts, and conſequently gave ſentence of blood. In our days, a clergyman is not prevented from being a juſtice of the peace, but there is no inſtance of his being ſeated on the bench in any of the courts at Weſtminſter; and it is generally under-

ſtood that the law ſocieties would not call to the bar a perſon who had taken holy orders. A clergyman is not bound to ſerve in any temporal office, even though it may be executed by deputy, as ſheriff, conſtable, or juryman, nor to attend the ſheriff's turn or leet, nor to ſerve in war. He is protected from arreſt in civil ſuits in going to, ſtaying at, and returning from divine ſervice, but the ſtatute provides that the clergy "ſhall not remain "within the churches or ſanctuaries by fraud or colluſion in any manner." The ſheriff cannot levy on his eccleſiaſtical goods, nor can a diſtreſs be taken of the fees of the church; but the profits of a living may be ſequeſtered for payment of the incumbent's debts. In old times they claimed exemption from tolls and other impoſitions, unleſs ſpecifically mentioned in acts of parliament; but now the contrary doctrine prevails, and they are held to be liable unleſs ſpecially exempted. In ſome acts the poorer claſſes of clergy are exonerated from certain taxes, but the inſtances are few, and cannot affect the whole body. A clergyman is not allowed to farm for profit, except his own eſtate, or ſo much land on hire as will ſupply his family, under penalty of 10*l.* a month; nor to keep a tan-yard, or brewhouſe; nor generally to uſe traffick in any ſort of merchandize, on pain of forfeiting treble the value.

In offences where by law a layman is once intitled to benefit of clergy, a clerk is intitled to it an indefinite number of times; but it ſhould be obſerved, that thoſe crimes for the commiſſion of which a layman, having had benefit of clergy, would eſcape almoſt unpuniſhed, may ſubject a clergyman to privation of benefice and degradation; and he may be impriſoned by the ſpiritual judge for incontinence.

The battery of a clergyman is ſubject to peculiar penalties; for it is enacted by the ſtatute called *articuli cleri*, 9 Edw. II. c. 3. that if any perſon lay violent hands on a clerk, the amends for the peace broken ſhall be before the king; that is by indictments in the king's courts; and the aſſailant may alſo be ſued before the biſhop, that excommunication or bodily penance may be impoſed; which, if the offender will redeem by money to be given to the biſhop, or the party grieved, it may be ſued for before the biſhop; a form which, under other circumſtances, would expoſe the plaintiff to danger of *præmunire*. So that a perſon guilty of ſuch brutal behaviour to a clergyman is ſubject to three kinds of proſecution; an indictment for breach of the king's peace, a civil action for damages, and a ſuit in the eccleſiaſtical court, firſt, *pro correctione et ſalute animæ*, by enjoining penance, and then again for ſuch ſum of money as ſhall be agreed on for removing the penance enjoined.

But the moſt generally characteriſtic reſtraint affecting the clergy,

clergy, is that of dreſs: The preciſe manner in which a clergyman ſhall be habited cannot be preſcribed; but the general rule is, that he ſhall appear in dreſs ſuch as ſhall comport with gravity and decency, without effeminacy or affectation. To thoſe who indulge in complaints (and they are not a few) that the clergy of this age, particularly the younger, dreſs in a foppiſh and unbecoming ſtyle, it may be ſome conſolation, unleſs their animadverſions proceed from mere want of charity, to know that this circumſtance does not denote any particular degeneracy in the preſent times, but formed the ſubject of ſolemn complaints, and the baſis of an eccleſiaſtical canon nearly five hundred years ago. "The outſide habit," ſaid John Stratford, archbiſhop of Canterbury, in 1343, "often ſhews the inward diſpoſition; and "though the behaviour of the clergy ought to be the inſtruction "of the laity, yet the prevailing exceſſes of the clergy, as to "tonſure, garments, and trappings, give abominable ſcandal "to the people; becauſe ſuch as have dignities, parſonages, "honourable prebends, and beneſices with cure, and even men "in holy orders, ſcorn the tonſure (which is the mark of per-"fection and of the heavenly kingdom), and diſtinguiſh them-"ſelves with hair hanging down to their ſhoulders, in an effe-"minate manner, and apparel themſelves like ſoldiers rather "than clerks, with an upper jump remarkably ſhort, with ex-"ceſſive wide or long ſleeves, not covering the elbows, but "hanging down, their hair curled and powdered, and caps with "tippets of a wonderful length, with long beards, and rings on "their fingers, girt with girdles exceedingly large and coſtly, "having purſes enamelled with figures, and various ſculptures "gilt, hanging with knives (like ſwords) in open view, their "ſhoes chequered with red and green, exceeding long, and "variouſly indented, with croppers to their ſaddles, and horns "hanging to the necks of their horſes, and cloaks furred on "the edges, contrary to the canonical ſanctions; ſo that there "is no diſtinction between clerks and laicks, which renders "them unworthy of the privilege of their order." Yet the worthy archbiſhop, after a ſevere ordinance againſt theſe indecorous exceſſes, adds, "yet by this conſtitution we intend "not to abridge clerks of open wide ſurcoats, called table coats, "with ſitting ſleeves, to be uſed at ſeaſonable times and places; "nor of ſhort and cloſe garments whilſt they are traveliing in "the country at their own diſcretion."

Rights of Clergymen. A parſon has, during his life, the freehold in himſelf of the parſonage houſe, the glebe, the tythes, and other dues.

Tythes. The moſt important and general of theſe rights is that of tythes, which are defined to be the tenth part of the

increaſe, yearly ariſing and renewing from the profits of the lands, the ſtock upon lands, and the perſonal induſtry of the inhabitants.

The origin of the right to tythes might, with great truth, and, it is to be hoped, with great ſafety to the intereſts of the clergy, be referred to divine inſtitution, it being clearly ordained by the law of Moſes; but, as a civil claim, its foundation reſts on a baſis of the greateſt antiquity, and is ſupported by undeviating uſage. An eccleſiaſtical canon eſtabliſhed it as early as the year 786; it was ſubſequently allowed by the kings of Mercia and Northumberland, during the heptarchy, and finally confirmed, as a civil right, by various kings of all England, particularly by Ethelwolf, Alfred, Edward the Elder, and Athelſtan. Thus is the title to tythes, putting divine right, and even the moral duty of providing for thoſe who devote their lives to the ſervice and inſtruction of the public out of the queſtion, fixed on a principle of poſſeſſion more ancient than any other undiſturbed tenure of mere property in the kingdom. Eſtates have been bought, ſold, and inherited, ſubject to them from a period when poſſeſſion and alienation can only be inferred by argument, but not proved as matter of fact; the value of eſtates, both in purchaſe and in leaſes, has been regulated by the conſideration of them, and a proprietor has no more reaſon to complain that his land is not tythe-free, than he has that his neighbour's field is not his own.

It is not poſſible, in this work, to enter into all the diſtinctions which have been raiſed by the ingenuity of evaſion, reſpecting tythes; but, for the general underſtanding of the ſubject, ſome definitions and arrangement will be neceſſary.

Tythes of ſome things are due of common right, of others by cuſtom. Tythe is not due of common right of any fruit of the earth, which does not renew annually. Tythe, which ariſes from a fruit of the earth, can never be part of the land from which it ariſes, but muſt always be collateral thereto. Thus it is not due of common right for the produce of a mine or quarry, nor for lime, chalk, or bricks, turf, gravel, or ſalt; becauſe ſome of them do not renew annually, and others are not collateral to, but part of the land, or made out of it; but theſe and things ſimilar may, by cuſtom, be liable. Tythe is not, by common right, due for a houſe; but in London, and moſt ancient cities and boroughs, ſtatute or cuſtom ſubjects them to this demand, without which there would not, in many pariſhes, be a proper maintenance for the clergy.

Tythes are *perſonal*, *predial*, and *mixed*.

Perſonal are the tenth part of the *clear gains* of manual occupations, trades, fiſheries, and the like, after deducting all charge and

and expence. This ſpecies of tythe was ſubject to many exceptions by ſtatutes and by legal reaſoning; it is now only payable by ſpecial cuſtom, and perhaps is paid no where in England, except for fiſh caught in the ſea, and for corn mills.

Predial tythes are thoſe which ariſe immediately from a fruit of the earth, as from corn, hay, hemp, or hops, or from any kind of fruit, ſeed, or herb. In this head is included the tythe called *Agiſtment*, which, in the ſtrict ſenſe of the word, means depaſturing a beaſt the property of a ſtranger, but, in its legal ſenſe, depaſturing any beaſt, whether owned by the occupier or a ſtranger. This tythe is paid, not for the increaſe or improvement of the animal agiſted, but for the graſs eaten by it. With reſpect to the tythe of wood, many curious caſes and applications to parliament, and much litigation have ariſen. It is enacted that tythe ſhall not be demanded of groſs wood, of the age of twenty years or upwards, and it is eſtabliſhed by the deciſion of courts, that by groſs wood is not meant high or large wood, but ſuch wood as is generally, or by the cuſtom of a particular part of the country, uſed as timber. Thus oak, aſh, and elm, by univerſal reaſoning, are exempt after the age of twenty years, and, by the cuſtom of particular places, the hornbeam, the aſpen, and ſome other trees; and the privilege, once acquired by the tree, extends to its loppings, though they be ſold for fire-wood, and not uſed as timber, and to the germens which ſpring from it after it has been cut down. Tythe is in general due of beechen, birchen, hazel, willow, ſallow, alder, maple, and white-thorn trees, and of all fruit trees, of what age ſoever they are; becauſe the wood of theſe trees is not often uſed as timber. But, if the wood of any of them be frequently uſed, in a particular part of the country where timber is ſcarce, in building or repairing, tythe is not due of ſuch trees, if they are of the age of twenty years.

Mixed tythe is that which conſiſts of natural products, but nurtured and preſerved by the care of man, and it ariſes from a beaſt, bird, or fowl. It generally conſiſts in the young of beaſts, the eggs and young of fowl or birds, of wool, milk, honey, bees wax, and fiſh taken out of a pond. It cannot be claimed of the young of animals, which are *feræ naturæ*, as deer, rabbits, and tame pheaſants; or kept merely for pleaſure, as hounds, or ſinging birds, nor of milk, pigeons, fruit, peaſe, or any other thing uſed in the houſe, but only of ſuch portions as are ſold or converted into profit.

Predial and mixed tythes conſiſt of a full tenth of the groſs produce, without any deduction for rent, expence, or labour. In ſome places cuſtoms prevail that of certain things more or leſs than an exact tenth ſhall be paid as tythe, and theſe cuſtoms,

if eſtabliſhed by proof, are valid; but it is eſſential that they ſhould be explicit and reaſonable, and not have a tendency to ſubject the clergyman to fraud or caprice.

Tythes again, in reſpect of their value, are divided into *great*, as corn, hay, and wood; and *ſmall*, as fruits and herbs, and the perſonal and mixed tythes in general. On the diſtinction between great and ſmall tythes a great diverſity of deciſions has taken place, dependent ſometimes on peculiar views of the ſubject, ſometimes on local cuſtoms, and occaſionally on principles which have varied in their application.

Tythes are payable in general either to the miniſter of the pariſh or to the impropriator. In ancient times, although no perſon could be exempt from payment of tythe, it was held that every man was at liberty to render it to what church he thought fit; this uncertain regulation was early terminated; but a conſequence of it ſtill remains, as it happens in ſome, though but few places, that a rector or impropriator of one pariſh claims the tythe of lands locally ſituated in another. In general it may be ſaid, though the rule is not without many exceptions and diſtinctions, that the great tythes belong to the rector or lay-impropriator, the ſmall to the vicar.

Of setting out Tythes. Predial tythes are generally ſet out by ſeparating one tenth from the other nine, and placing on it a bough to ſhew for what it is intended; but before the nine ſheaves of the occupier are taken from the ground to be carried away, the whole ten are to be ſet out for the inſpection of the perſon entitled to the tythe. The agiſtment tythe is two ſhillings in the pound on the rent of the land. By a ſtatute of William III. perſons ſowing land with flax or hemp are not to pay more than five ſhillings per acre for tythe, and by one of George II. the ſame benefit is extended to madder. Of milk the tenth meal of all a farmer's cows is to be ſet out, and not the tenth part of every meal; of wool the tenth part by weight; and of young animals the tenth part ſo ſoon as they can live without the old ones; or if the number of any ſpecies does not amount to ten, then a tenth part of the value of the whole in money. Unleſs there is a ſpecial cuſtom to the contrary, the tythe owner is obliged to carry away his tythe in reaſonable time, and not the farmer to carry it for him. Tythe of milk is ſet out in veſſels belonging to the farmer, but if the perſon entitled does not fetch it away in veſſels of his own before the next milking time the pariſhioner may pour it on the ground, becauſe he may then have occaſion for the veſſel in which it was ſet out; and the proprietor of a predial tythe muſt carry it away in a reaſonable time, or be liable to an action for damages by the occupier of the land.

Pro-

PROCEEDINGS ON THEIR BEING WITHHELD. If the tythes are *fubtracted*, as it is called, that is omitted to be duly ſet out, the owner has remedy either by bill in equity calling on the defaulter to account for the quantity withheld, which the court will make him compenſate for with coſts, or by action on the ſtatute 2 & 3 Edw. VI. c. 13.; in which he will be obliged to pay three times the value ſubtracted with coſts. Where ſmall tythes are in value under forty ſhillings, two juſtices of peace, neither of them being patron of the church, are enabled on complaint of the proprietor, and hearing or default of the party after due notice, to iſſue a diſtreſs for the value, and coſts not exceeding ten ſhillings. Quakers, from conſcientious motives, refuſe to pay their tythes, and therefore it is enacted that two juſtices may, in like manner, compel them to pay, to whatever they may amount; but, in both caſes, the parties may appeal to the ſeſſions, and, if they diſpute the title to the tythe, remove the queſtion into a higher court.

MODUS. The diſputes and embarraſſments attendant on the ſtrict exaction of tythes in kind, are frequently avoided by a compoſition for thoſe of a particular claſs, or for all, which is properly called *modus decimandi*, or in current ſpeech a *modus*. This may ſometimes be made to bind the parties for ever; but in general it is only good with reſpect to thoſe who contract. A modus, to be binding for ever, muſt be taken as an ancient cuſtom to which not only the parſon but the ordinary has aſſented; it is preſumed to have been declared by a deed; it muſt be reaſonable; certain as to the object for which it is paid, the quantum, and the period of payment; and it muſt not be liable to fraud; it muſt alſo have been conſtantly paid, for by intermiſſion it is deſtroyed.

EXEMPTIONS. Lands are exempted or diſcharged from tythes for various cauſes; thoſe in the king's poſſeſſion, by reaſon of his prerogative, but this is perſonal to the ſovereign, and does not extend to his grantee or leſſee; barren lands are exempt, and lands that have been heath or waſte are not, when improved, ſubject for the next ſeven years to any tythe greater than they have previouſly paid; glebe in the hands of the rector does not pay ſmall tythes to the vicar. But the greateſt cauſe of total exemption ariſes from the rule of the Romiſh church, that diſcharged monks of all orders from payment of the tythes; conſequently, on the ſuppreſſion of monaſteries, acts of parliament were made, that every perſon acquiring their lands, tenements, tythes, or hereditaments, ſhould hold them on the ſame terms as the religious poſſeſſors ought to have held them if they had not been ſuppreſſed or diſſolved.

OFFERINGS.

OFFERINGS. Offerings, oblations, and obventions, are the ſame thing: though obventions is the more extenſive word. Under theſe are comprehended, not only thoſe ſmall cuſtomary ſums commonly paid by every perſon when he receives the ſacrament of the Lord's ſupper at Eaſter, which in many places is, by cuſtom, two-pence from every communicant, and in London four-pence a houſe; but alſo the cuſtomary payments for marriages, chriſtenings, churchings, and burials, including penſions, mortuaries, compoſitions, and whatever falls under the denomination of ſurplice fees. Offerings were, in former times, made at the holy altar by the king and queen twelve times in the year on feſtivals called offering days, and diſtributed by the dean of the chapel to the poor. The money in lieu of theſe accuſtomed offerings is now fixed at fifty guineas a year, and paid by the privy purſe annually to the dean or his order; for the diſtribution of which offertory money, the dean directs proper liſts of poor people to be made out.

It was enacted by the ſtatute 2 & 3 Edward VI. c. 13. that all perſons who by law and cuſtom ought to make their offerings, ſhould pay them to the parſon, vicar, proprietor, or their deputies or farmers of their pariſhes, on the four uſual offering days, which are Chriſtmas, Eaſter, Whitſuntide, and the feaſt of the dedication of the pariſh church; it has been decreed that ſuch offerings are due by common right, and not by cuſtom only; and a learned judge in delivering this opinion obſerved, that they were a compenſation in lieu of perſonal tythes. They may be recovered like tythes under forty ſhillings.

GLEBE. Every church of common right is entitled to houſe and glebe. And the aſſigning of theſe at the firſt was of ſuch abſolute neceſſity, that without them no church could be regularly conſecrated. The houſe and glebe are both comprehended under the word *manſe*. The freehold of the glebe is in the parſon from the moment of induction, but the fee ſimple is in abeyance, a proviſion wiſely made by the law to prevent difficulties in the obtaining of poſſeſſion by a new incumbent on account of the acts of his predeceſſor. The parſon can now in no wiſe, not even with conſent of the ordinary, alienate, exchange, or incumber the glebe, and certain acts tending to that effect are not only void in themſelves but ſubject the incumbent to deprivation, and the other party in the contract to excommunication. If any incumbent die, and before his death has cauſed any of his glebe lands to be manured and ſown at his own expence with any corn or grain, he may, by will, bequeath as he ſhall think fit, all the profits of the corn growing upon the glebe lands ſo manured and ſowed. But a ſuc-

ceſſor inducted before the ſeverance thereof from the ground, ſhall have the tythe.

In the whole manſe, however, the clergyman has but a qualified eſtate; he may uſe it honeſtly, but not abuſe, waſte, or dilapidate it either by act or neglect, for it is the dowry of the church. Such conduct has been deemed a good cauſe of deprivation, or its progreſs may be arreſted by a writ of prohibition; and for dilapidations found at the death of an incumbent, his ſucceſſor receives a full compenſation out of his effects, which he is obliged to expend in making neceſſary repairs. For the reaſonable improvement of parſonages it is provided, by 17 Geo. III. c. 53., that the incumbent with the conſent of the ordinary and patron, obtained in conſequence of certain repreſentations on oath, may borrow reaſonable ſums of money, and charge the living with the payment and intereſt.

First Fruits and Tenths. A deduction is made from the emoluments of the clergy in general under theſe denominations: firſt fruits are the value of every eccleſiaſtical living for the firſt year; tenths, a tenth part of the tythes of the clergy. Both theſe incumbrances were impoſed by the pope, but at the reformation ſecured to the crown, and continued to be part of its revenue till appropriated by Queen Anne to the augmentation of ſmall livings. It is in the power of the chancellor to iſſue in the king's name, commiſſions into every dioceſe for the purpoſe of aſcertaining the exact value of benefices, that they may be rated accordingly. The firſt fruits are not paid within the year in which they ariſe, but different periods are allowed, the incumbent giving ſecurity for the principal, but the tenths become due yearly at Chriſtmas, and are to be paid before the 30th of April. It is enacted, that the collectors ſhall have convenient offices in London or Weſtminſter, and, accordingly, the Firſt Fruits office is eſtabliſhed in the Inner, and the Tenths office in the Middle Temple. There are ſeveral exemptions from the payment of firſt fruits and tenths, and particularly one which exonerates all livings under the clear yearly value of 50*l.*

Eccleſiastical Assemblies. The eccleſiaſtical aſſemblies known to the Engliſh law are Convocations and Synods, but as they are in modern times much diſuſed, little notice of them is neceſſary. The powers anciently claimed by the clergy of paſſing ſtatutes for their own regulation, and impoſing on themſelves taxes proportioned to their ſhare of the public burthens, are now no longer ſeparate from the general authorities of the ſtate. No eccleſiaſtical aſſemblies can be convened of their own right, but by the king's mandate alone; the clergy, in right of their benefices, vote for knights of the ſhire, and ſo are repreſented, although they cannot ſit in the houſe of commons,

mons, and their rights and property are guarded, and their conduct regulated by the same body which extends its care over the rest of the nation. The convocation legally consisted of two houses, the archbishop sitting as king; the bishops as lords, and the inferior clergy, who were elected in certain numbers, and sate in another house resembling the commons. A convocation was held in each province.

Churches and Chapels. Cathedrals having already been described, it becomes fit to notice other places of worship wherein the clergy of the church of England can officiate. By the common law any person might build a place of worship on his own estate; but it was not considered as a church till consecrated. At a very early period, the Saxons, in large districts, founded churches for themselves and their tenants; in progress of time others were erected, which obtained tythes, burial, and baptism. And now every church, having those appendages, is deemed a parish church.

Chapels are of different kinds.

Private Chapels, which noblemen and others erect, adorn, and maintain at their own charge, and provide them with chaplains who are honourably pensioned for performing religious ceremonies for the family. In former times these chapels were all consecrated by the bishop of the diocese, and in strictness ought to be so still. Private chapels are frequently built in large parishes, at the cost of individuals, whether clergy or laity; and being consecrated by the bishop, divine service is performed in them; the clergyman, or proprietor, drawing his emolument from the hire of the pews or seats.

Free Chapels, are so called from their being exempt by royal licence from the jurisdiction of the ordinary, but they may be visited by the lord chancellor for the king.

Chapels of Ease, of which some are parochial. A chapel merely of ease, is that which was not allowed a font at its institution, and which is used only for the ease of the parishioners in prayers and preaching, (sacraments and burials being received and performed at the mother church,) and commonly where the curate is removeable at pleasure, the parochial minister having the cure of both, but exercising it there by a vicar not perpetual, but temporary. A *parochial chapel* is that which has the parochial rights of christening and burying; and this differs in nothing from a church, but in the want of a rectory and endowment.

When by long use and custom, parochial bounds became fixed and settled, many of the parishes were still so large, that the inhabitants of remote hamlets found it inconvenient to be at so great a distance from the church; and therefore, for their relief

relief and eaſe, private oratories or chapels were built, and a chapelry ſometimes endowed by the lord of the manor, or ſome other benefactor, but generally the chaplain was maintained by a ſtipend from the pariſh prieſt, to whom all the rights and dues were preſerved. In order to authorize the erection of a chapel of eaſe, the joint conſent of the diocefan, the patron, and the incumbent, if the church was full, were, and, as it ſeems, ſtill are, required.

Consecration. The law takes no notice of churches or chapels, till they are conſecrated by the biſhop; and a church cannot be conſecrated, without a competent endowment.

The ceremony of conſecration may be performed on any day, and no preciſe form is abſolutely fixed. In 1712, the biſhops in convocation tranſmitted a form to the lower houſe, which they agreed to with ſome alterations; although it never received the royal aſſent, it is generally followed, and is ſolemn, majeſtic, and impreſſive. As it conſiſts chiefly of a ſeries of prayers, pſalms, and eccleſiaſtic offices, it is not here particularly deſcribed.

In the conſecration of a new church, proviſion is to be made, that no damage may accrue to the rights or revenues of any other. A reaſonable procuration is due to the biſhop who conſecrates, for the neceſſary refreſhment of himſelf and his ſervants, he being on this occaſion, as on viſitations, ſometimes drawn to a great diſtance from his palace. A church once conſecrated need not be conſecrated again. The canon law made an exception where it had been polluted by the ſhedding of blood; and if a church is utterly ruined and decayed, or the greater part of it deſtroyed by fire, it ſeems that it ought, when rebuilt, to be conſecrated anew.

Repairs. Anciently, the biſhops had the whole tythes of the dioceſe, a fourth part of which, in every pariſh, was applied to the repairs of the church: but on a releaſe of this intereſt to the rectors, the biſhops were exonerated from this duty, and now the burthen generally lays on the pariſhioners. In ſome places, the repairs of that part of the church which is called the chancel, belong to the rector, vicar, or lay impropriator, but this is regulated by cuſtom. Theſe repairs may be ordered by the church-wardens of their own authority, and if they neglect, the archdeacon can compel them, but any addition to the church, as a new gallery, can only be made with the conſent of a majority of the pariſhioners, and by a licence from the ordinary. If it is neceſſary to pull down a ruinous church, or to enlarge a ſmall one, the major part of the pariſhioners, having obtained the conſent of the ordinary, and meeting upon due notice, may make a rate for either purpoſe.

All

All rates for the reparation of the church, are made by the church-wardens, together with the parishioners assembled on public notice given in the church; the whole parish being bound by the vote of those who attend; but if no other parishioners are present, the church-wardens alone may make the rate; because they, and not the parishioners, are to be cited and punished in defect of repairs. If they neglect or refuse, the bishop cannot direct a commission, to rate them, but they are to be compelled by spiritual censures.

Seats or Pews. Before the reformation, no seats nor distinct apartments in church were peculiarly assigned, except to some great persons. The seats were moveable, the property of the incumbent, and in all respects at his disposal. At present the ordinary has the power of assigning seats; though by custom it may belong to the churches; or a seat or pew may by prescription or by faculty, be annexed to any particular house. In these cases the proprietor must repair his own pew, but in general, seats are built and repaired, like the church itself, at the general charge of the parishioners.

Goods and Ornaments of the Church. In the time of the catholic religion, the ornaments of the church were redundant and costly. Since the reformation, none have been retained that were not essential to the decency and solemnity of divine service, but none have been rejected in compliment to an affected precision, which, under pretence of removing the superfluous trappings, would have reduced the externals of religion to a pitiful degree of meanness. The furniture, ornaments, vestments, and books necessary to a church are provided by the church-wardens, who cannot alienate them without the consent of the parish. Any person may give or dedicate goods to the use of the church; but the property is immediately changed, and he who builds a pew, or hangs a bell, can by no means take down the one or remove the other. If the walls, windows, or doors of the church, or trees in the church-yard, are broken or cut down, the rector may pursue the legal remedies against the offender, because he has the freehold, but if the goods or ornaments of the church are taken or converted to the use of any person, the church-wardens, as trustees for the parish, must seek redress.

The goods and ornaments most indispensably required in a church, and which must be provided and kept in cleanly and decent order by the church-wardens, are these. For general service;—a pulpit and reading desk, and surplice for the minister; and a desk for the clerk;—for baptism, a font of stone;—for the sacrament of the Lord's supper, a communion table, covered in time of divine service, with a carpet of silk, or other decent stuff;

ſtuff, and with a fair linen cloth, in the time of miniſtration; a baſin, in which the alms for the poor are to be received, while the miniſter reads the ſentences of the offertory; a chalice, ewer, cup, patines, and other veſſels, if neceſſary, for the conſecrated bread and wine. The number and quality of theſe depend in a great degree on the populouſneſs of the pariſh and the liberality of the pariſhioners; the canon requires only that they be clean and ſweet, of pewter, if not purer metal; but there are few pariſhes where the liberality of individuals, or a general ſenſe of propriety, has not occaſioned the purchaſe of ſilver veſſels for the adminiſtration of this moſt ſolemn office of religion. The books are, a bible of the largeſt volume; a book of common prayer, and to theſe are added a book of homilies, but this is rarely bought; there are beſides regular books of chriſtenings, marriages, and banns of marriage, and burials, which are directed to be placed in a cheſt with three locks, the keys of which reſpectively, are kept by the miniſter, and by each church-warden.

The pariſh muſt alſo furniſh the church with bells and ropes; there muſt be a bier for the dead; and it is ordained that the ten commandments be ſet up at the eaſt end of every church and chapel, choſen ſentences written on the walls in places convenient, and the table of degrees of marriages prohibited publicly exhibited. To theſe things are uſually, though not neceſſarily, added, a clock, an organ, chandeliers of metal, prayer books for the church-wardens, a ſtove or grate for the winter, and ſome other conveniences. And it is to be obſerved, that although the adoration of images is forbidden in the church of England, yet if ſuperſtitious images or pictures remain, no man has a right to break or deface them: ſuch an effort of zeal would be puniſhed as a miſdemeanour.

By the riot act 1ſt Geo. ſt. 2. c. 5. "If any perſons unlawfully, riotouſly and tumultuouſly aſſembled together, to the diſturbance of the public peace, ſhall unlawfully and with force demoliſh or pull down any church or chapel, or any building for religious worſhip certified and regiſtered according to the 1 W. c. 18. the ſame ſhall be adjudged felony without benefit of clergy. And the hundred ſhall anſwer damages, as in caſes of robbery."

Church Yard. At what time burials in or near churches began to take place is a matter of doubt, but it was an ancient eccleſiaſtical conſtitution, that around a large church forty paces of land ſhould be reſerved, and about a ſmaller, thirty paces. Church-yard is generally uſed as ſynonimous with cemetery, though it frequently happens that a conſiderable portion of the church-yard is not uſed for burials, or that a burial ground is

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purchaſed by a pariſh at a conſiderable diſtance from its church. It is an ancient maxim that *cæmeterium gaudet eodem privilegio quo eccleſia;* and a burial ground, whether ſtrictly ſpeaking a church-yard or not, is ſolemnly conſecrated by the biſhop, either together with the church, or ſeparately. Before the protection afforded by ſanctuaries was aboliſhed by the ſtatute 32 Hen. VIII. *c.* 12, church-yards, as well as churches, afforded refuge againſt the purſuits of juſtice. It is the duty of the church-wardens to prevent any traffic, games, or military muſters in church-yards; their incloſure belongs to the pariſhioners, and is to be kept up at their expence, but the produce is the property of the miniſter, who has the freehold. Striking or drawing a weapon, with intention to ſmite, even though the motive be ſelf-defence, in a church or church-yard, is a ground for excommunication, the ſevereſt of eccleſiaſtical cenſures; and corporeal puniſhment may further be inflicted, on conviction in a temporal court.

Parish Clerks. Theſe perſons were formerly real clerks, clergymen, and ſome are to this day. They are required to be twenty years of age at leaſt; known to the parſon, vicar, or miniſter to be of honeſt converſation, and ſufficient for their reading, writing, and alſo, if poſſible, for competent ſkill in ſinging. By common law, the incumbents of livings had a right to nominate theſe clerks, and their right was eſtabliſhed by an eccleſiaſtical canon, but in ſome places, it yields to an ancient cuſtom or preſcription, empowering the pariſhioners to elect. After being duly choſen and appointed, they are licenſed by the ordinary, and ſworn to obey the miniſter. Their duty is to attend divine ſervice on all occaſions, read the reſponſes in a clear and audible manner, announce and ſing the pſalms, and read from the deſk, after the communion and before the ſermon in the morning ſervice, all parochial notices deſired to be read by the church-wardens or other competent authority: they alſo attend all baptiſms, marriages, churchings of women, and funerals. Their emoluments depend chiefly on cuſtoms, varying in various places, being chiefly derived from fees paid to them on theſe occaſions, for the recovery of which, if cuſtomary, recourſe may be had to the courts of law. The office of pariſh clerk is a freehold for life, and it is held that he can only be cenſured, but not deprived by the eccleſiaſtical courts.

Sexton. This officer is the keeper of the holy things belonging to divine worſhip; he is appointed by the miniſter or others, and receives his ſalary according to the cuſtom of each pariſh. He may, by cuſtom, have a freehold in his place, but is generally removeable by thoſe who appoint him. The office may be filled by a woman, and when it is in the gift of a pariſh, women may vote.

PARISHES. The diviſion of the kingdom into pariſhes is purely eccleſiaſtical, but its origin is uncertain. In the moſt ancient times, the biſhops and their clergy lived in common; and before the number of Chriſtians was much increaſed, the biſhops ſent out their clergy to preach to the people as they ſaw occaſion. But after the inhabitants had generally embraced Chriſtianity, this itinerant ſyſtem being found inconvenient, limited bounds to parochial cures were found neceſſary, and were probably in ſome degree ſettled by the biſhops who were moſt inſtrumental in converting the nation from the Saxon idolatry. At firſt they made uſe of any old Britiſh churches that were left ſtanding; and, in ſucceſſive ages, churches were built and endowed by lords of manors and others, for the uſe of the inhabitants of their ſeveral diſtricts, where, in conſequence, parochial bounds were affixed. Such building and endowment gave a primary title to the patronage of laymen, and made the bounds of a pariſh commenſurate to the extent of a manor. The tythes were originally not purely appropriated, but delivered to the biſhop, to be diſtributed according to the inſtruction of the perſon paying, or at his own diſcretion; but when Chriſtianity extended itſelf, and the lords began to build churches on their own demeſnes or waſtes, to accommodate their tenants in one or two adjoining lordſhips; then in order to have divine ſervice regularly performed, they obliged all their tenants to appropriate their tithes to the maintenance of one officiating miniſter; and this tract of land, the tythes whereof were ſo appropriated, formed a diſtinct pariſh. This accounts for the frequent intermixture of pariſhes one with another; for, if a lord had a parcel of land detached from his principal eſtate, but not ſufficient to form a pariſh of itſelf, it was natural for him to endow his newly-erected church with the tithes of thoſe disjointed lands, eſpecially if no church was then built in any lordſhip adjoining to thoſe outlying parcels.

The boundaries of pariſhes depend on immemorial uſage, and the memory is kept alive by perambulations, which are generally made in the rogation weeks. This ceremony ought to be performed by the curate and ſome chief perſons of the pariſh, accompanied by ſome of the young people. The forms and ceremonies which, in times of popery, made it a religious proceſſion, are forbidden, but the civil uſe of the perambulation is rigidly retained, inſomuch that it has been decided to be lawful for the pariſhioners to paſs, according to ancient cuſtom, over a cloſe for this purpoſe, and to pull down, as nuiſances, gates and hedges erected in order to obſtruct their progreſs.

EXTRAPAROCHIAL PLACES. When the kingdom was divided into pariſhes, and pariſh churches endowed, ſome lands, either

becauſe they were in the hands of irreligious and careleſs owners, or were ſituate in foreſts and deſart places, or for other now unſearchable reaſons, were never united to any pariſh, and therefore continue to this day extraparochial, and their tythes are now, by immemorial cuſtom, payable to the king inſtead of the biſhop, in truſt and confidence that he will diſtribute them for the general good of the church; yet extraparochial waſtes and marſh lands, when improved and drained, are, by the ſtatute 17 Geo. II. c. 37. to be aſſeſſed to all parochial rates in the pariſh next adjoining.

VILLS. The term vill is not definite in its ſignification. A pariſh is underſtood to be but one vill, but every vill is not a pariſh; it muſt conſiſt of ten families, and have a conſtable, or at leaſt the reputation of a vill; for if all the houſes in a borough be decayed, it is yet a vill; but if an extraparochial place, having anciently been, for example, a nobleman's park, is occupied by any number of farmers, not amounting to ten, it is not a vill, however great and valuable the farms may be.

TOWN, TOWNSHIP, TITHING, OR VILLAGE. The ſtatute 13 and 14 Car. II. c. 12. provides, that when a pariſh is ſo large that it cannot have the benefit of the overſeers and proviſion for the poor, two overſeers may be appointed for every townſhip or village in ſuch pariſh. In this ſtatute the words townſhip and village have always been thought ſynonymous; but it has been held that wherever there is a conſtable, there is a townſhip; and pariſhes in ſome counties, as in part of Bedfordſhire, are divided into tythings. Theſe terms, therefore, are conſidered ſynonymous, as applied to diviſions of parochial demeſnes, though, in common ſpeech, they are ſubject to many diſtinctions; nor is the word *Hamlet* eaſily to be diſtinguiſhed from the others, but it is generally, though not neceſſarily, underſtood to be the moſt diminutive.

CHURCHWARDENS AND SIDESMEN. In the ancient epiſcopal ſynods, the biſhops were uſed to ſummon divers creditable perſons out of every pariſh, to give information of, and to atteſt the diſorders of the clergy and people. Theſe were called *teſtes ſynodales*; and becoming ſtanding officers, gained the name of *ſynod's men*, whence, by corruption, *ſideſmen*: they are alſo ſometimes called *queſtmen*, from the nature of their office, in making *inquiry* concerning offences; they were choſen annually in Eaſter week, and continue to be ſo in moſt pariſhes, but the efficient part of their office is now devolved on the churchwardens, ſo that the nomination of any individual to be a ſideſman, is conſidered only as preliminary to the attainment of the more diſtinguiſhed office.

Churchwardens are choſen in veſtry on the Tueſday in Eaſter week, throughout the kingdom, except where ſpecial cuſtom or

peculiar accident determines it otherwiſe. In ſome pariſhes the miniſter appoints one, and the pariſhioners the other, but in ſome the veſtry appoint both. The uſual mode is for perſons to be put in nomination; if more than two are propoſed, a ſhew of hands may determine the election, but if a poll is demanded, it is generally taken by putting down the names of the candidates on paper, and each pariſhioner making a ſcratch in a line parallel to the name of him for whom he intends to give his ſuffrage. The ſcratches being caſt up by the veſtry clerk, the chairman declares thoſe perſons who appear to have a majority duly elected. Each churchwarden is obliged, at the next viſitation, to ſwear before the ordinary, that he will truly and faithfully execute his office, and preſent ſuch things and perſons as to his knowledge are preſentable by the laws eccleſiaſtical of the realm. The ſideſmen ſwear to aſſiſt the churchwardens in the exerciſe of their office, as bound by law.

If the ordinary for any cauſe refuſes to adminiſter the oath, the court of King's Bench will grant a mandamus; and when two ſets of churchwardens are choſen by a pariſh, and conteſt their rights, the court grants the ſame proceſs to both, and an action may be brought by thoſe who are ſworn, but not admitted to act. It is held by ſome, that a churchwarden is not duly poſſeſſed of his office till ſworn, but others have held, that, when elected, he becomes *eo inſtante*, a temporal as well as ſpiritual officer. In favour of this latter opinion, beſides the authority, (that of lord Kenyon) reaſon ſeems to be very ſtrong, ſince the oath is merely promiſſory, and implies no qualifications, and it is ſupported by the canon, which declares, that the churchwardens or queſtmen ſhall not continue any longer than one year in that office, except perhaps they be choſen again in like manner. Yet, by a later canon, it is declared, that the office of all churchwardens and ſideſmen ſhall be reputed to continue, until the new churchwardens that ſhall ſucceed them be ſworn.

If a churchwarden duly elected or appointed refuſes to be ſworn, he may be excommunicated, and no prohibition can be granted to ſtay his ſentence; this may perhaps account for the apparent repugnance between the two canons, as it would be very unfit that churchwardens elect, by refuſing the oath, ſhould deprive the pariſh of the protection and benefits to be derived from theſe officers; though it is perfectly right that he who has been elected, and is willing to take on himſelf the duty, ſhould enter *eo inſtante* on his office, and not ſuffer the term to be indefinitely poſtponed by the ordinary.

Many perſons are exempt from the neceſſity of aſſuming, though not forbidden to fill this office; *peers*, by reaſon of their dignity; *clergymen*, becauſe of their order; *attornies* of the ſu-

perior courts at Weſtminſter, by reaſon of their privilege; *apothecaries* in London and ſeven miles round, if free of the company; *diſſenters* may appoint a deputy, if approved by the pariſhioners; and perſons in holy orders, or pretended holy orders, belonging to any congregation of diſſenters, are exempted; perſons who have *proſecuted a felon to conviction*, obtain what is termed a Tyburn ticket, which exempts them or thoſe to whom they aſſign it; and thoſe who *live out of the pariſh*, though they occupy lands within it, can in no wiſe be choſen churchwardens.

The churchwardens are ſo far incorporated by law, as to ſue for the goods of the church, and to bring an action of treſpaſs for them; and alſo to purchaſe goods for the uſe of the pariſh; but they are not a corporation in ſuch ſort as to purchaſe lands, or to take by grant, except in London, where they are a corporation for thoſe purpoſes alſo. And although the church wardens may have their action for the goods of the church, yet they cannot ſell or give them away without the conſent of the pariſh.

The duties of churchwardens, in taking care of the effects belonging to the church, have been ſufficiently noticed in a preceding page; and as their duty, as *overſeers* of the poor, is in no wiſe diſtinct from that of the officers, properly ſo called, that ſubject is reſerved till the poor are expreſsly treated on. The duty which the churchwardens have gained by a ſort of incroachment from the ſideſmen, however highly it may have been conſidered in ancient times, is at preſent of little moment; it is that of making preſentments at viſitations of certain offences and irregularities. Theſe viſitations were, in antient times, made by the archbiſhops and biſhops in perſon, annually or oftener, it being ordained that they ſhould go about their dioceſes, at fit ſeaſons, correcting and reforming the churches, and conſecrating and ſowing the word of life, in the Lord's fields. But as the prelates had power, in caſe of ſickneſs or other public concerns, to delegate prieſts or deacons to aſſiſt them; they cantoned their great dioceſes into archdeaconries, and gave the archdeacons commiſſions to viſit and inquire, and to give them an account of all at the end of their viſitations. Yet the great duty impoſed on the biſhop is by no means neglected; for while the perſonal attention of the archdeacon inſures the performance of offices of form, ſuch as the ſwearing of churchwardens, and prevents the general injuries which the church might ſuſtain by the negligence or parſimony of pariſhioners; the biſhop, by viſiting frequently, once in three years is the uſual term, prevents every neglect in the archdeacons, ſhews a due attention to the intereſts of his flock, and, by adminiſtering the office of confirmation, keeps alive the ſpirit of Chriſtianity, and augments the number

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of communicants at the holy ſacrament. On a viſitation, it is underſtood that the viſitor has a right to call by mandate on any licenſed preacher, to preach a viſitation ſermon: the claim has been ineffectually reſiſted, but in general the mandate is conſidered as an honour, and obeyed with cheerfulneſs. Every parſon, vicar, curate, ſchoolmaſter, or other perſon licenſed muſt, at the biſhop's firſt viſitation, or at the next viſitation after his admiſſion, exhibit to him his letters of orders, inſtitution, and induction, and all other his diſpenſations, licences, or faculties whatſoever, which the biſhop may either allow, or, for juſt cauſe, diſallow and reject; if approved, they are ſigned by the regiſter.

The archdeacons, in their viſitation, are to ſee that the offices of the church are duly adminiſtered, and take an account in writing of all the ornaments and utenſils, veſtments, and books. This inventory is preſented to them every year, that they may ſee what has been added or loſt; they are to have a diligent regard to the fabric of the church, and eſpecially of the chancel, and if they find any defects, to limit, under a penalty, a certain time, within which they ſhall be repaired. The churchwardens, and ſome other principal inhabitants, ought, on theſe occaſions, at the command of the archbiſhop or his official, to preſent to them the public exceſſes of prelates and other clerks, and they ought alſo to preſent any other enormous crime, for the purpoſe of drawing on the offender eccleſiaſtical animadverſion. Theſe preſentments were, in former times, required to be preciſe and ſpecific, and made on oath, and the churchwarden, omitting to make and duly ſupport them, was to be refuſed the holy communion; but in modern times this practice is much relaxed; the preſentment, if ever made, extending rarely beyond the defects of the church, in order to obtain the authority of the eccleſiaſtical court for its reparation.

Thus, in fact, the office and duty of churchwardens are much limited; the money raiſed for relief of the poor does not paſs through their hands; the church rate is generally ſmall, and ſtrictly applicable to the furniture and repairs of the church; the taſk of preſentment is reduced almoſt to nothing, and the few remaining duties impoſed by various acts of parliament, regard them rather as public perſons, than as eccleſiaſtical officers. They are obliged to account, at the expiration of their office, for the monies which have come to their hands, and to this account they muſt ſwear; but their diſburſements are judged on a more liberal principle than thoſe of overſeers, for if they have laid out the pariſh money imprudently and improvidently, yet if it be truly and honeſtly laid out, they muſt be reimburſed: the pariſhioners can have no remedy, unleſs ſome fraud or de-

ceit be proved againſt them; becauſe the pariſh have made them their truſtees; and, where they have paſſed their accounts at a veſtry, the ſpiritual court cannot afterwards proceed againſt them to account upon oath.

VESTRY. A veſtry is either *open* or *ſelect*; the open veſtry is the aſſembly of the whole pariſh, in ſome convenient place, for the diſpatch of parochial buſineſs. Theſe meetings, having been commonly held in the room adjoining or belonging to the church, where the prieſt's veſtments are uſually depoſited, both the meeting and the room derive their name from that circumſtance: veſtries are, however, held in various places; in ſome pariſhes in the body of the church; in others, in rooms built for the purpoſe, and at a conſiderable diſtance from it. On the Sunday before a veſtry is to meet, public notice ought to be given, either in the church, after divine ſervice is ended, or elſe at the church-door, as the pariſhioners come out, of the calling of the meeting, the time and place of aſſembling; and it would be faireſt alſo, to declare the nature of the buſineſs intended to be agitated. It is alſo uſual to toll one of the church-bells, as notice to the pariſhioners, for half an hour before any matter is proceeded on.

In open veſtries, every pariſhioner who has paid to the church-rates, or ſcot and lot, and no other perſon, has a right to attend; the miniſter, in this, as in every other pariſh-meeting, preſides for regulating and directing of affairs whether he be rector or vicar. Out-dwellers, occupying land in the pariſh, have a vote, as well as the inhabitants; and the major part preſent will bind the whole pariſh; the right of adjourning the veſtry is not in the miniſter, or any other perſon, as chairman, nor in the churchwardens, but in the whole aſſembly, where all are on an equal footing; and it muſt be decided, like all other matters there, by a majority of votes.

Moſt of theſe rules, except as to the compoſition of the aſſembly, apply to *ſelect veſtries*. Theſe have been eſtabliſhed in various ways; ſome, by an ancient cuſtom, acknowleged by law to be valid, of chuſing managers for the pariſh, who were empowered to nominate others to fill up vacancies in their body; ſome, by ſpecial acts of parliament, obtained at different times, and fifty were formed at once by the ſtatute 10 *Anne*, c. 11. whereby the commiſſioners, for building the new churches, were directed to appoint a convenient number of ſufficient inhabitants to be veſtrymen; and from time to time, upon the death, removal, or other avoidance, of any ſuch veſtryman, the reſidue to elect a ſucceſſor.

VESTRY-CLERK. This officer is choſen by the veſtry; and he acts as its regiſter or ſecretary, but has no vote: his buſineſs

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is, to attend at all parish-meetings, to draw up and copy all orders, and other acts of the vestry, and to give out copies when necessary; and he has the custody of all the parish books and papers.

BEADLE. The beadle is also chosen by the parish; and his business is to attend the vestry, and execute the orders there made, or those of the churchwardens and overseers, as the messenger or servant of the parish.

UNION OF CHURCHES. It sometimes happens, that in two adjacent parishes, the want of wealth, or decrease of population, renders it improper to maintain separate churches, and, in that case, the law allows of a consolidation or union, which may be made by the ordinaries, patrons, and incumbents, or in towns corporate, with the assent of the mayor, sheriff, and commonalty, without any licence from the crown. These unions must be made subject to such provisoes, as by writing under the seal of such ordinaries, incumbents, and patrons, shall be declared and set forth. But, notwithstanding such union, the parishes continue distinct as to all rates, taxes, parochial rights, charges, duties, and privileges; and churchwardens are elected and appointed for each as before. The repair of the united church rests on both parishes; and that which is deserted may be demolished, or fall to decay. The turns of presentation must be arranged between the contracting parties; but neither of the patrons changes the nature or terms of his respective advowson. If both churches are full at the time of the union, it cannot take effect till one becomes void, when the surviving minister officiates in the united church, and the next presentations follow, according to the compact.

DUTIES OF THE CLERGY. The consideration of these will branch into many divisions, both as they relate to the clerical body, and to those to whom they render the services of their function.

RESIDENCE. In what degree residence is enjoined to the dignitaries of the church, has already been mentioned; with respect to vicars, it has also been observed, that they take an oath of perpetual residence; for as they were first appointed in consequence of the non-residence of the appropriators, their duty cannot be delegated; *vicarius non habet vicarium*. Residence is understood to imply, *bona fide*, habitation, in the parsonage, or vicarage house, belonging to the living, or if that be decayed or destroyed, in some other house in the parish, convenient for attendance on divine service, and performance of parochial duties. The bishops have authority, in their respective dioceses, to inforce the residence of the clergy; but the statute law extends the power. By 21 Hen. VIII. c. 13. com-

monly called the ſtatute of non-reſidence, every ſpiritual perſon, promoted to any archdeaconry, deanery, or dignity, in any cathedral church, or other church, conventual, or collegiate, or beneficed with any parſonage, or vicarage, ſhall be perſonally reſident, and abiding in, at, and upon, his ſaid dignity, prebend, or benefice, or at any one of them, at the leaſt; and in caſe he ſhall not keep reſidence at one of them as aforeſaid, but abſent himſelf wilfully, by the ſpace of one month together, or by the ſpace of two months, to be at ſeveral times in any one year, and make his reſidence and abiding in any other place by ſuch time, he ſhall forfeit for every ſuch default, 10*l.* half to the king, and half to him who will ſue for it, in any of the king's courts.

There are numerous exceptions from the penalty of this ſtatute; and, firſt, it ſhould be obſerved, that archdeacon and dean being the higheſt dignity ſpecified, the penalty cannot, by the general term uſed afterward, be conſtrued to extend to the ſuperior claſs of biſhops and archbiſhops. The exemptions from its operations are, 1ſt. Spiritual perſons employed in the king's ſervice beyond ſea: 2d. Scholars being converſant and abiding for ſtudy, without fraud or covin, at any univerſity within this realm, or without. But it being ſoon diſcovered that this exception furniſhed a pretext for reſiding in one of the univerſities, in idleneſs and diſſipation, a ſubſequent ſtatute provided, that its benefits ſhould only extend to perſons under forty years of age, reſident and abiding within the univerſity, attending the lectures, keeping ſophiſms, problems, diſputations, and other exerciſes, in regular form, and not to any perſons above that age, unleſs they were chancellor, vice-chancellor, commiſſary of the univerſity, wardens, deans, provoſts, preſidents, rectors, maſters, principals, or other head rulers of colleges, halls, or other houſes or places corporate within the ſaid univerſities, doctors of the chair, readers of divinity in the common ſchools of divinity, or readers of any public or common lecture in divinity, law civil, phyſic, philoſophy, humanity, or any of the liberal ſciences, or public or common interpreter or teacher of the Hebrew tongue, Chaldee, or Greek; and to perſons above the age of forty years, reſorting to any of the ſaid univerſities, to proceed doctors in divinity, law civil, or phyſic, for the time of their ſaid proceedings, and executing of ſuch ſermons, diſputations, or lectures, which they be bound, by the ſtatutes of the univerſities, there to do for the ſaid degrees. 3d. Chaplains of the king and queen, their children, brothers, or ſiſters, attending daily in their houſehold; but the king's diſpenſation was extended to juſtify the non-reſidence of his chaplains, even when not attending his perſon. 4th. Chaplains,

lains, of any ſpiritual or temporal lord of parliament, attending daily in their houſehold. 5th. By a ſubſequent ſtatute, it was enacted, that each of the following officers of the crown might have one chaplain in his houſehold, excuſed from the duty of reſidence: the chancellor of the duchy of Lancaſter, the chancellor of the court of augmentations, the chancellor of the court of firſt fruits and tenths, the maſter of his majeſty's wards and liveries, the general ſurveyors of his lands, the treaſurer of his chamber, and the groom of the ſtole. 6th. It was alſo provided, by another ſtatute, that the following perſons might ſimilarly protect one chaplain each: the judges of the courts of King's Bench and Common Pleas, the barons of the Exchequer, and the attorney and ſolicitor general. 7th. By the firſt mentioned ſtatute, were further exemptions; the chaplains of every ducheſs, marchioneſs, counteſs, viſcounteſs, or baroneſs; and their privileges, in this reſpect, were preſerved to them, though they married under the degree of baron. 8th. The chaplains of the lord chancellor, or treaſurer of England, the king's chamberlain, or ſteward of his houſehold. 9th. Chaplains of the knights of the garter, of the chief juſtice of the King's Bench, warden of the ports, the king's ſecretary, deans of the chapel, and amner; but all theſe muſt, without fraud or covin, be reſident in the houſehold of the perſons named. 10th, The maſter of the Rolls, dean of the arches, any chancellor or commiſſary of any archbiſhop or biſhop, ſuch of the twelve maſters of the chancery, and twelve advocates of the arches, as were ſpiritual men, during the occupation of their rooms and offices; and all ſuch ſpiritual perſons as might happen, by injunction of the lord chancellor, or the king's council, to be bound to any daily appearance and attendance, to anſwer to the law, during the time of ſuch injunction. All the chaplains above mentioned are, however, obliged to repair twice a year, at the leaſt, to their benefices and cures, and remain there eight days at leaſt, on pain of 40*s.* for every time ſo failing.

Of Pluralities. The ſtatutes againſt non-reſidence would naturally be conſtrued to forbid the holding of more than one living by one perſon, ſince he could not poſſibly be reſident on both; but the eccleſiaſtical law had not been negligent in providing againſt this circumſtance; and the ſtatute which enjoined reſidence, embraced alſo the conſideration of *pluralities*. The general rule laid down is, that if any perſon having one benefice, with cure of ſouls, of the yearly value of 8*l.*, or above, accept and take any other with cure of ſouls, and be inſtituted and inducted in poſſeſſion of the ſame; then the firſt benefice ſhall be void, and the patron may preſent another perſon, in the ſame manner as if this incumbent had died or reſigned. And

if

if the ſecond living is in value much inferior to the firſt, yet the incumbent is deprived, and not allowed to retract his acceptance.

The exceptions to this rule are, that all ſpiritual men, being of the king's council, may purchaſe licence, or diſpenſation, to take three parſonages, or benefices with cure of ſouls; and all others, being the king's chaplains, and not ſworn of his council; the chaplains of the queen, prince, or princeſs, or any of the king's children, brethren, ſiſters, uncles, or aunts, may ſemblably purchaſe licence or diſpenſation, and receive two parſonages, or benefices, with cure of ſouls: every archbiſhop might formerly have ſix chaplains, but ſubſequently two were added, making the number eight; every duke may have ſix chaplains; every marquis and earl, five; viſcount and biſhop, four; chancellor of England for the time being, baron, and knight of the garter, three; every ducheſs, marchioneſs, counteſs and baroneſs, being widows, two; treaſurer, comptroller of the king's houſe; the king's ſecretary and dean of his chapel; the king's amner, and maſter of the rolls, two; chief juſtice of the King's Bench, one; warden of the five ports, one; every one of whom may purchaſe licence or diſpenſation to receive and keep as many parſonages or benefices with cure, as the chaplains of a duke or an archbiſhop. The brothers and ſons born in wedlock of every knight, may, every of them, purchaſe licence or diſpenſation, and receive two benefices. And all doctors and bachelors of divinity, doctors of law, and bachelors of law canon, admitted to thoſe degrees in any univerſity of this realm, and not by grace only, may have licence to keep two benefices. A ducheſs, marchioneſs, counteſs, or baroneſs, being widows and marrying again below the degree of baron, may qualify as many chaplains as if ſhe had remained a widow; the king's chaplains may hold livings without limitation of number, if given by his majeſty. And no deanery, archdeaconry, chancellorſhip, treaſurerſhip, chanterſhip, or prebend in any cathedral, or collegiate church, nor parſonage that has a vicar endowed, nor any benefice perpetually appropriate, ſhall be taken or comprehended under the name of benefice, having cure of ſouls. Neither are united churches conſidered as pluralities, unleſs the union be colourably made to continue for the life of the incumbent only, and in evaſion of the ſtatute.

No chaplain can avail himſelf of his appointment, unleſs it be produced in writing under the hand and ſeal of the perſon entitled to grant it, nor can ſuch perſon qualify above the limited number, or by diſmiſſing the chaplain, deprive him of the benefit of the diſpenſation. But, it is required, by the canon, that ſuch diſpenſations be not granted to any but thoſe who ſhall have taken the degree of maſter of arts, at the leaſt, in an

Engliſh

Engliſh univerſity, and be a public and ſufficient preacher licenſed; and they muſt be, by a good and ſufficient caution, bound to make perſonal reſidence in each of their ſaid benefices, for ſome reaſonable time in every year; and that the ſaid benefices be not more than thirty miles aſunder; and, laſtly, that they have under him, in the benefices where they do not reſide, preachers, lawfully allowed, that is able ſufficiently to teach and inſtruct the people. The diſtance of thirty miles here ſpecified, is not computed by ſtatute miles on the turnpike road, or in a ſtraight admeaſurement from place to place, but by computation in the county or counties where the two livings lie. The king was uſed formerly to grant diſpenſations for holding livings beyond this diſtance, but it has not been done ſince the revolution, as it is doubtful whether the declaration of rights does not prevent him, even in this inſtance, from diſpenſing with a poſitive law. In order to obtain a diſpenſation, it is neceſſary for the clergyman to procure ſeveral teſtimonials; namely, two certificates, from the biſhop in whoſe dioceſe the livings are, of their value in the king's books, and their reputed value and diſtance; one certificate for the archbiſhop, and the other for the lord chancellor. And, if the livings lie in two dioceſes, then two certificates from each biſhop. He muſt exhibit to the archbiſhop his preſentation to the ſecond living, and bring with him two papers of teſtimonials from the neighbouring clergy, concerning his behaviour and converſation. He muſt alſo exhibit to the archbiſhop, his letters of orders of deacon and prieſt, and a certificate of his having duly taken the degree of maſter of arts, at leaſt, under the hand of the regiſter of his univerſiy. Or if he qualifies as a chaplain, his appointment muſt be duly regiſtered in the faculty-office, to be tendered to the archbiſhop, according to the ſtatute; and after he has given the required ſecurity, and his diſpenſation is made out, he muſt get it confirmed by the lord chancellor, under the great ſeal, and is then inſtituted and inducted by the biſhop of the dioceſe where the living is ſituated.

Livings in Commendam. Another mode of holding ſeveral livings, without incurring a penalty, is called *in commendam*. This term is applied to be a benefice, or eccleſiaſtical living, which, being voidable, to prevent its becoming void, *commendatur*, is committed, to the charge and care of ſome ſufficient clerk, to be ſupplied, until it may be conveniently provided of a paſtor. This power of holding livings having been much abuſed, ſeveral conſtitutions of the church were directed againſt the malpractices, but the cuſtom is, in many caſes, highly laudable, and almoſt indiſpenſable. It has already been mentioned, that the acceptance of a biſhopric voids all other eccleſiaſtical preferments;

ments; but this effect may be prevented by a donation *in commendam;* and without this indulgence, several of the bishoprics would not, at this day, be sufficient for the honourable maintenance of those who are obliged by law not only to administer the episcopal functions committed to their charge, but, as lords of parliament, to attend the sittings of that assembly, and there maintain the rights of the church, the honour of the crown, and the liberties of the people. A benefice *in commendam* may be temporary or perpetual, at the pleasure of the king. When it is temporary, the precise time is expressed and limited in the dispensation; when perpetual, the style is, so long as he shall live, and continue bishop of that see.

Exchange. When the benefice is lost to the incumbent by his accepting another without a dispensation, it is called a *cession*; but in order to avoid this inconvenience, it is usual, when an incumbent is desirous to exchange his living, to effect it by resignation. A *resignation* cannot regularly be made but to the immediate superior: thus, a bishop cannot resign to the dean and chapter, though they elect him, nor to the king, though elected by virtue of his *congé d'elire*, but to the archbishop, and the archbishop must resign to the king. It is a rule, that the resignation should be pure, absolute, and unconditional; but when it is made for the purpose of exchange only, it admits of a stipulation, not to be valid, unless the exchange takes effect. It ought regularly to be made in person, and, if by a priest, to the proper ordinary.

Public Worship. A principal duty of the clergy, and, indeed, one chief purpose of their ordination, is the due performance of the rites of the church.

In the early ages, every bishop had the power to form a liturgy for his own diocese; and if he kept to the analogy of faith and doctrine, all circumstances were left to his own discretion: afterwards the practice was, for the whole province to follow the service of the metropolitan church; which also becomes the general rule of the church. But it appears that this rule was obscured by the superstitions of popery; the course of reading portions of the holy scripture, so as to complete all the books of the Old Testament, once at least in a year, was interrupted by the introduction of fabulous and bombastic legends, from the lives of saints, and a multitude of other vain and frivolous services. It was among the earliest cares of government, after the reformation, to remedy this evil by various acts for uniformity of the Common Prayer, the most important of which, 1 Eliz. and 13 and 14 Car. II., are generally printed in that book, and their regulations are precisely observed by the clergy. The great effect of these acts, so far as relates to public worship, is to confine the clergy and their congregation within

within certain bounds, to prescribe the use of a Christian-like and devout form, sufficiently extensive to embrace every lawful desire of the human heart, and exempt from every thing approaching to arrogance or tending to injustice. In private prayer, individuals may address to Heaven their separate petitions in such form as their conscience may dictate or their necessities suggest, but were there no precise rule in public petitions, the prayers of Christians might become presumptuous and ridiculous, unbecoming the gravity of religion, and disgraced by caprice, passion, malice, hope and fear. Nor does the prescription of a rational and well digested form, impede, but rather assists the effusion of piety. The motives and system which produced the regulation adopted in our book of common prayer are expressed in a clear and cogent manner in the preface, which being in general use they need not be here repeated. The duty of ministers to express in the most public and authentic manner their approbation of this form of prayer, and churchwardens to provide it for the use of every church, have already been noticed.

To the observance of the stated forms in all rites of the church, the clergy are bound both by canon and statute. Ministers omitting to use them after subscription are to be suspended, and unless they submit within a month, deposed from the ministry. Where the incumbent of a living resides, he must, although he keeps a curate, once at least in a month publicly read the prayers and administer the sacraments, on pain of forfeiting for every offence 5*l.* to the poor of the parish. And any minister refusing to administer in the form prescribed, or obstinately and wilfully persisting in the use of any other; or preaching, declaring, or speaking any thing in the derogation or depraving of the said book, or any part of it, shall, on conviction by a jury, forfeit to the king, for his first offence, the profits of all his spiritual promotions, or of one of them, for one whole year, and be imprisoned six months; for his second offence be imprisoned a year, and *ipso facto* deprived of all his spiritual promotions; and for his third, imprisoned for life; or, if he has no spiritual promotions, imprisonment for life is the punishment for the second offence.

Nor are these penalties confined to the clergy; for by the canon, any person affirming that the form of God's worship in the church of England, established by law and contained in the book of common prayer and administration of sacraments, is a corrupt, superstitious, or unlawful worship of God, or contains any thing in it that is repugnant to the scriptures, is to be excommunicated *ipso facto*, and not restored but by the bishop of the place, or archbishop, after his repentance and public revoca-

tion of ſuch his wicked errors. And by ſtatute, "If any perſon ſhall in any interludes, plays, ſongs, rhymes, or by other open words, declare or ſpeak any thing in the derogation, depraving, or deſpiſing the ſame book, or of any thing therein contained, or any part thereof; or ſhall by open fact, deed, or by open threatenings, compel or cauſe, or otherwiſe procure or maintain any parſon, vicar, or other miniſter, in any cathedral or pariſh church, or chapel, or in any other place, to ſing or ſay any common or open prayer, or to miniſter any ſacrament otherwiſe, or in any other manner and form than is mentioned in the ſaid book; or by any of the ſaid means ſhall unlawfully interrupt or let any parſon, vicar, or any other miniſter, in any cathedral or pariſh church, chapel, or other place, to ſing and ſay any common and open prayer, or to miniſter the ſacraments or any of them, in ſuch manner and form as is mentioned in the ſaid book; every ſuch perſon being thereof lawfully convicted in form aforeſaid, ſhall (if the proſecution is on the ſtatute of the 2 & 3 Edw. VI.) forfeit to the king for the firſt offence 10*l.*, for the ſecond 20*l.*, for the third offence ſhall forfeit all his goods and be impriſoned during life:" and if for the firſt offence he do not pay the 10*l.* within ſix weeks after his conviction, he ſhall be impriſoned three months; if for the ſecond offence he do not pay the ſaid ſum of 20*l.* within the ſame time, he ſhall be impriſoned ſix months. And if the proſecution is on the ſtatute of the 1 Elizabeth c. 2. then he ſhall forfeit to the king for the firſt offence one hundred marks, or be impriſoned ſix months; for the ſecond offence four hundred marks, or be impriſoned twelve months; and for the third offence ſhall forfeit all his goods and be impriſoned during life.

Preaching. With reſpect to preaching many reſtraints are impoſed. In Queen Elizabeth's time the clergy, except thoſe who were expreſsly licenſed, were forbidden to expound the ſcripture as of themſelves, but were to read ſome of the homilies; this reſtraint, now that the reformation is no longer in danger, is diſcontinued, but ſtill every prieſt and deacon muſt have a licence to preach, and on coming into a ſtrange church to perform occaſional duty, ought to exhibit it to the churchwardens or other eccleſiaſtical officers. Any preacher maintaining doctrines diſagreeing from the word of God, the thirty-nine articles, or the book of common prayer, is to be reported to the biſhop of the dioceſe, who is to determine the matter, and no preacher is permitted in the pulpit, namely, or of purpoſe, to impugn or confute any doctrine delivered by any other preacher in the ſame church, or in any church near adjoining, before

before he has acquainted the biſhop of the dioceſe, and received order from him what to do.

Theſe regulations are wiſely framed to prevent the pulpit from becoming a place for wanton diſputation or irritative contention, and the law has been attentive to the conduct of perſons attending divine ſervice ſo that the whole may be decently and reſpectably ordered. All perſons in church are to be uncovered, and if a churchwarden or other officer takes by force the hat from the head of a refractory perſon, it has been decided that it is no aſſault; the churchwardens can prevent idle perſons from remaining in the churchyard or porch during divine ſervice; keep out perſons excommunicated or denounced; and free the church from thoſe who diſturb the ſervice by walking about, talking, ringing the bells, or making any other improper noiſes. And by ſtatutes, perſons maliciouſly diſturbing a prieſt during divine ſervice, or pulling down, defacing, ſpoiling, breaking or otherwiſe unreverently handling the ſacraments of the Lord's ſupper, may be apprehended by a conſtable, church-warden, or any other perſon preſent, and carried before a juſtice of the peace, and by him committed to jail for three months, and further till the next quarter ſeſſion, at which time he is to declare his repentance and give ſurety for his good behaviour for a year, or be further committed till he ſhall be penitent. And in caſe of a reſcue, the perſon reſcuing incurs the ſame puniſhment with a further penalty of 5*l.* And by the Act of Toleration 1 Wm. c. 18. If any perſon ſhall willingly and of purpoſe, maliciouſly or contemptuouſly, come into any cathedral, pariſh church, chapel, or other congregation permitted by that act, and diſquiet or diſturb the ſame, or miſuſe any preacher or teacher, he ſhall, on proof thereof before a juſtice of the peace by two witneſſes, find two ſureties to be bound by recognizance in the ſum of 50*l.*, and in default of ſuch ſureties ſhall be committed to priſon, there to remain till the next general or quarter ſeſſions; and on conviction of the ſaid offence at ſuch ſeſſions, ſhall ſuffer the penalty of 20*l.* And a ſimilar penalty is inflicted on thoſe who ſhall in the ſame way diſturb any congregation or aſſembly of religious worſhip, permitted to Catholics by the 31 G. III. c. 32. Perſons abſenting themſelves from divine ſervice are alſo liable to be preſented by the churchwardens to the biſhop at his viſitation, and to forfeit twelve-pence to the poor for every ſunday of their abſence, which may be levied by the churchwardens under a warrant of diſtreſs ſigned by one magiſtrate; and this offence is ſubjected to a further penalty of 20*l.* for every month's abſence, which is forfeited to the king.

Sacraments. The church of England acknowledges but two,

two, baptiſm and the Lord's ſupper; the church of Rome has five others, confirmation, penance, orders, matrimony, and extreme unction. The reaſon for not admitting theſe to be ſacraments is well expreſſed in the articles of religion; "They "being ſuch as have grown partly of the corrupt following of "the apoſtles, partly are ſtates of life allowed by the ſcriptures, "but yet have not like nature of ſacraments with baptiſm and "the Lord's ſupper, for that they have not any viſible ſign or "ceremony ordained by God."

Baptiſm was at firſt adminiſtered publicly, as occaſion ſerved, by rivers; afterwards the baptiſtry was built at the entrance of the church or very near it, which had a large baſon in it that held the perſons to be baptized, and they went down by ſteps into it. Afterwards, when immerſion came to be diſuſed, fonts were ſet up at the entrance of the churches, and theſe are ordered to be of ſtone or other competent materials. The parties intending to bring children to public baptiſm ſhould give notice to the miniſter, and the ceremony ought to be performed on ſunday or ſome holy day, but may be on any other. Every male child has two godfathers and one godmother; every female one godfather and two godmothers. No parent can be admitted to anſwer as godfather for his own child: nor any godfather or godmother ſhall be ſuffered to make any other anſwer or ſpeech than by the book of common prayer is preſcribed in that behalf. By an old canon, the miniſter was to take care not to permit wanton names, which being pronounced do ſound to laſciviouſneſs, to be given to children baptized, eſpecially of the female ſex: and if otherwiſe it be done, the ſame ſhall be changed by the biſhop at confirmatian, and afterward deemed the lawful name. In the modern form of confirmation, however, the biſhop does not pronounce the parties' names, but it may be that, on a proper repreſentation, either by the individual on whom an improper name had been fixed, or any other perſon on their behalf, the biſhop might change it. The immerſion of the child is not to be performed if any objection can be made on the ſcore of health, ſprinkling is now generally ſubſtituted, and the ſign of the croſs is made on it by the miniſter, but with an expreſs declaration in the Rubric that no power is aſcribed nor any worſhip paid to the ſign, but that it is uſed only as a commemoration. Private baptiſm is frequently practiſed, and is allowed, though diſcommended, by the church, except in caſes of neceſſity. The Romiſh church allowed, in caſes of extremity, the performance of baptiſm by laymen; and this practice was not prohibited in the early periods of the reformation; but at the conference at Hampton Court, it was ſettled that the Rubric in the book of common prayer

prayer ſhould be ſo altered, as to direct that it ſhould be performed by the lawful miniſter in caſes of extremity; but it is obſerved that laymen are nowhere expreſsly forbidden. The form on theſe occaſions is to name the child, and for the miniſter to ſprinkle it with water, pronouncing the words, "I baptize thee in the name of the Father, and of the Son, "and of the Holy Ghoſt;" this, in common ſpeech, is termed "naming" or "half baptizing" a child; the reſt of the ceremony, as the appointment of godfathers, &c., may be afterward performed. Thoſe of riper years who become converts to Chriſtianity, muſt, before baptiſm, give a longer notice, that they may be examined as to their acquaintance with the doctrines of religion; they have godfathers and godmothers, but ſhould be confirmed as ſoon after as may be convenient.

The ſacrament of the *Lord's ſupper* ought not to be received by any one till he has undergone the ceremony of confirmation, which is a perſonal appearance before a biſhop at a church, at a time appointed, and publicly acknowledging belief in the articles of the Chriſtian faith, and aſſuming the engagement to perform thoſe things which were promiſed by godfathers and godmothers at the time of baptiſm.

Notice of adminiſtering the Lord's ſupper muſt be given the preceding Sunday in church by the miniſter, and in ſtrictneſs, thoſe pariſhioners who mean to communicate ought to announce it the preceding day, but this regulation is now little regarded. The miniſter is bound to refuſe the ſacrament to thoſe who are excommunicated or under penalty of ſuſpenſion, alſo to notorious evil livers, or who have wronged, or live in open malice with their neighbours, or refuſe to be preſent at public prayers, or are common and notorious depravers of the book of common prayer and adminiſtration of the ſacraments, and of the orders, rites, and ceremonies therein preſcribed; or of any thing that is contained in any of the thirty-nine articles; or of any thing contained in the book of ordering prieſts and biſhops; or to any that have ſpoken againſt and depraved his majeſty's ſovereign authority in cauſes eccleſiaſtical: except every ſuch perſon ſhall firſt acknowledge to the miniſter, before the churchwardens, his repentance for the ſame, and promiſe by word (if he cannot write) that he will do ſo no more; and except (if he can write) he ſhall firſt do the ſame under his hand-writing to be delivered to the miniſter, and by him ſent to the biſhop of the dioceſe or ordinary of the place. And if any offend their bethren, either by adultery, whoredom, inceſt, or drunkenneſs, or by ſwearing, ribaldry, uſury, or any uncleanneſs, or wickedneſs of life; ſuch notorious offenders ſhall not be admitted to the holy communion till they be reformed. The ſacrament is alſo to be with-

held from church-wardens or ſideſmen, who refuſe or neglect to make preſentment of offences according to their oaths. The communion cannot be adminiſtered in a private houſe, except in caſes of ſickneſs; nor in church to leſs than three perſons beſides the miniſter, who muſt all kneel, not in adoration of the bread and wine, as containing the real body and blood of our Saviour, but for the ſake of order and devotion; and the miniſter may not diſpenſe with this ceremony on pain of ſuſpenſion. The clergyman muſt, on this occaſion, be dreſt in the veſture appointed for that miniſtration, that is to ſay, a white albe plain, with a veſtment or cope: and where there are many prieſts or deacons, there ſo many ſhall be ready to help the prieſt in the miniſtration as ſhall be requiſite, and ſhall have upon them likewiſe the veſtures appointed for their miniſtry, that is to ſay, albes with tunacles. And whenſoever the biſhop ſhall celebrate the holy communion in the church, or execute any other public miniſtration; he ſhall have upon him, beſides his rochet, a ſurplice or albe, and a cope or veſtment, and alſo his paſtoral ſtaff in his hand, or elſe borne or holden by his chaplain. The laity receive both bread and wine; contrary to the practice of the Roman church, where they have the bread only; theſe are provided by the church-wardens at the expence of the pariſh; ſo much as remains unconſecrated belongs to the curate, but ſhould any of that which has been conſecrated remain, it is not to be taken out of church, but eaten and drunk by the miniſter and ſuch communicants as he ſhall call to him. The money given at the offertory is to be diſtributed to ſuch poor perſons as the miniſter and church-wardens ſee fit; and, in caſe of their not agreeing, at the direction of the ordinary.

Visitation of the Sick. It has been ſaid that the ſacrament of the Lord's ſupper may be privately adminiſtered in caſe of ſickneſs; and it is the duty of the miniſter or curate to reſort to perſons dangerouſly ill for the purpoſe of inſtructing and comforting them as their ſituation may require; and beſides the general eccleſiaſtical exhortations to faith, charity, repentance, and even confeſſion, where particular ſins burthen the conſcience, it is the duty of the miniſter to bring to the mind of the diſeaſed the neceſſity of ſettling his temporal affairs, making his will, and giving ſuch inſtructions as may be neceſſary toward the aſcertainment and adjuſtment of his debts, and of monies due to him. At the laſt extremity of the patient, it is uſual to toll a bell; a cuſtom which probably originated with the church of Rome, as a ſignal for maſſes ſatisfactory, and prayers, but with us it is a mere mark of reſpect, it is called the *paſſing bell*.

BURIAL. The rite of burial belongs to all the dead, except thoſe who are excommunicated with the greater excommunication and have not been known to repent; and if a miniſter who has had notice of an intended funeral, refuſes or delays to bury any corpſe that is brought to the church yard, he ſhall be ſuſpended by the biſhop of his dioceſe for three months. It appears to be in the option of the miniſter, whether he will ſuffer the body to be carried into the church or not, but it is clear that no one but the incumbent can grant leave for a corpſe to be buried within the church, nor can any one claim it as a right, except where ſuch a burying place is demanded by preſcription as appertaining to a manor-houſe, in which caſe it is taken, that the freehold belonged to the manor; and in many churches, family vaults are purchaſed, in which the heir has a right to bury whomſoever he pleaſes, without further licence, but on payment of the proper fees and dues. By the 30th Charles II. ſt. 1. c. 3. For the encouragement of the woollen manufactures, it is enacted, that no corpſe ſhall be buried in any ſhirt, ſhift, ſheet, or ſhroud, or any thing whatſoever made or mingled with flax, hemp, ſilk, hair, gold or ſilver, or in any ſtuff or thing, other than what is made with ſheep's wool only; on pain of 5*l.* And within eight days after the interment, ſome relation of the deceaſed is to make affidavit that the body was buried in woollen only, and declare the ſame to the miniſter; who, if ſuch affidavit is not produced, is to give notice to the churchwardens or overſeers, and on information before a magiſtrate, a warrant is to iſſue to diſtrain the goods, of the deceaſed for 5*l.*; and if ſuch perſon died in the houſe of a maſter or miſtreſs, father or mother, then on them the diſtreſs is to be made. And the miniſter of every pariſh ſhall keep a regiſter, in a book to be provided at the charge of the pariſh, and make a true entry of all burials within his pariſh, and of all affidavits brought to him as aforeſaid.

The carcaſe that is buried belongs to no one; but is ſubject to eccleſiaſtical cognizance; if abuſed or removed. It cannot be taken up for the purpoſe of removal without a licence from the ordinary; but in caſe of violent death, the coroner may order it to be dug up for inſpection any time he may judge neceſſary. Though a deceaſed corpſe is the property of no one, yet the digging of it up for the purpoſe of diſſection is an indictable offence, and to ſteal the ſhroud is felony, that being the property of the executor or adminiſtrator. Grave-ſtones, coats of arms, pennons, and other enſigns of honour, erected in the church yard, or fixed in the church, are in like manner their property, and although at firſt they could not be introduced into any church without leave of the incumbent and church-

wardens, and a licence from the ordinary, yet they cannot be removed by their authority jointly or feverally; and the heir or executor may maintain an action or an appeal of felony againſt thoſe who break, deface, or carry them away. But it has been held that if the ornaments ſet up are improper, or tend to the hindrance of divine ſervice, they may be removed by order of an eccleſiaſtical court, even though the ſetting of them up was licenſed by the ordinary.

MARRIAGE. Marriage is defined to be a compact between a man and a woman for the procreation and education of children. All well-ordered ſocieties have therefore guarded the marriage rite with religious ſolemnities, and ordained that the contract ſhould be indiſſoluble during the joint lives of the parties. The municipal law of England conſiders marriage in no other light than as a civil contract. The holineſs of the matrimonial ſtate is left entirely to the eccleſiaſtical law: the temporal courts not having juriſdiction to conſider unlawful marriage as a ſin, but merely as a civil inconvenience. The puniſhment therefore, or annulling, of inceſtuous or other unſcriptural marriages, is the province of the ſpiritual courts; which act *pro ſalute animæ*.

In order to the contracting of marriage, it is neceſſary that both parties ſhould be conſenting, for it is a maxim of law as well as of reaſon, that *conſenſus non concubitus facit nuptias*. Hence by the old law, before the ſtatute 26 Geo. II. c. 33. called the marriage act, it was held that parents who contracted their children at too early an age for their own conſent, to be given or implied, did nothing. This age it is true was much earlier than years of Diſcretion; it was the age of ſeven years, but even that imperfect regulation ſhewed ſome reſpect for the principle. Yet as the feebleneſs of woman might expoſe her to violence, eſpecially where property offered a temptation, the ſtatute 3 Hen. VII. c. 2. provides that any perſon taking a woman, whether maid, wife, or widow, having ſubſtance in goods moveable, lands or tenements, or being heir apparent to her anceſtor, againſt her will, and for lucre of her ſubſtance, if ſuch woman be afterwards married to ſuch miſdoer, or to any other by his aſſent, or be defiled, the offender, with all who inſtigated him, or received the woman, ſhall be guilty of felony, and all conſidered as principals; and they are deprived of benefit of clergy. A ſtatute 4 Philip and Mary, c. 8. provides that if any perſon takes away a female child, unmarried, and within the age of ſixteen years, from her parents or guardians, and if ſhe, being above the age of twelve, and under ſixteen, do aſſent or agree to ſuch perſon that ſhall make any contract of marriage contrary to the form of that act, the

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next of kin ſhall immediately come into poſſeſſion of her eſtate, and enjoy it during her life, and after her death, it is to deſcend according to its limitation, but never to the perſon with whom ſhe ſhall ſo have contracted matrimony. Further, it is ſo eſſential to the ſtate of matrimony, that it ſhall not only have been entered into freely, but without deluſion, or the intervention of parties actuated by improper motives, that it has been deemed a matter indictable, or an offence for which the court will grant an information, to procure an improvident or unequal marriage; marriage-brokage bonds, and contracts have been declared to be void, and decreed to be given up and cancelled, and a gratuity in money actually paid has been ordered to be refunded; for ſuch bargains are in no ſhape to be countenanced; and as contracts of this kind are rendered void on reaſons of public inconvenience, it has been adjudged, that no ſubſequent confirmation by the party can make them valid. By parity of reaſoning, all private agreements contrary to the tenor of any writing publicly executed by the parties in the nature of marriage articles are void.

A promiſe of marriage, if made between parties capable of contracting, is a binding engagement, and for the breach an action for damages will lie. It requires that the promiſe ſhould be mutual; that is to ſay, if one were to promiſe marriage, but the other to refuſe, an action could not afterwards be maintained on ſuch promiſe, but if the perſon to whom the promiſe was made received it with appearances of approbation, implying aſſent, that would be ſufficient, and if the party to whom the promiſe was made, was under the age of twenty-one, but yet aſſented, an action for the breach of promiſe might be brought either by ſuch party on coming of age, or by parent or next friend before that period.

A perſon deaf and dumb, may contract and ſolemnize marriage by ſigns, but ideots cannot, becauſe they cannot give perfect conſent; nor can lunatics, unleſs during a lucid interval: but as it may be difficult to prove the exact ſtate of the party's mind at the actual celebration of the nuptials, therefore the ſtatute, 15 G. II. c. 30, has provided, that the marriage of lunatics and perſons under phrenzies (if found lunatics under a commiſſion, or committed to the care of truſtees by any act of parliament) before they are declared of ſound mind by the lord chancellor or the majority of ſuch truſtees, ſhall be totally void.

Before marriage can be ſolemnized, certain ceremonies are neceſſary in order to afford time for the detection of attempts to unite improper perſons, or to obtain ſecurity and aſſurance that

no ſuch effort ſhall be made. Theſe ceremonies are, the publication of *banns*, or the obtaining of a *licence*.

Banns, derived from a Saxon word, ſignifies proclamation. They are publiſhed upon three Sundays preceding the ſolemnization of marriage, during the time of morning ſervice, or of the evening ſervice, if there be no morning ſervice in the pariſh church, or in ſome public chapel wherein banns of matrimony have been uſually publiſhed, of the pariſh or chapelry wherein the perſons to be married ſhall dwell, or if they reſide in different pariſhes, in both; and, in this caſe, the curate of the one pariſh ſhall not ſolemnize matrimony betwixt them, without a certificate of the banns being thrice aſked from the curate of the other pariſh. No miniſter is obliged to publiſh the banns of matrimony between any perſons, unleſs they ſhall, ſeven days at the leaſt, before the time required for the firſt publication, deliver, or cauſe to be delivered to him, a notice in writing of their true chriſtian and ſurnames, and the places of their reſpective abodes within ſuch pariſh, chapelry, or extra-parochial place where the banns are to be publiſhed, and the time during which they have inhabited or lodged in ſuch houſes reſpectively. The banns require any of the congregation who know cauſe or juſt impediment why the parties ſhould not be joined in matrimony, then to declare it; and if any juſt cauſe is declared, ſuch as the diſſent of parents or guardians, where either party is under age; the precontract or previous marriage of either, the publication is of no effect.

A licence may be granted, without banns being publiſhed; but only by ſuch as have epiſcopal authority, the commiſſary for faculties, vicars general of the archbiſhops and biſhops *ſede plena* or *ſede vacante*, the guardian of the ſpiritualities, or ordinaries exerciſing of right epiſcopal juriſdiction in their ſeveral juriſdictions reſpectively. And by the 26th G. II. c. 33. no ſurrogate deputed by any eccleſiaſtical judge, who has power to grant licences of marriage, ſhall grant any ſuch licence until he has taken an oath before the ſaid judge, faithfully to execute his office according to law, to the beſt of his knowledge, and has given ſecurity by his bond in the ſum of 100*l.* to the biſhop of the dioceſe, for the due and faithful execution of the ſaid office. Perſons applying for a licence muſt enter into a ſecurity with theſe conditions: 1. That at the time of granting ſuch licence, there is not any impediment of precontract, conſanguinity, affinity, or other lawful cauſe, to hinder the ſaid marriage. 2. That there is not any controverſy or ſuit depending in any court, before any eccleſiaſtical judge, touching any contract or marriage of either of the ſaid parties with any other.

other. 3. That they have obtained thereunto the expreſs conſent of their parents, (if they be living,) or otherwiſe of their guardians or governors. Laſtly, That they ſhall celebrate the ſaid matrimony publicly in the pariſh church or chapel where one of them dwells, and in no other place, and that between the hours of eight and twelve in the forenoon. To the truth of the firſt three of theſe conditions, the party is alſo to make oath; with reſpect to the laſt, a diſpenſation is obtained in what is termed a *ſpecial licence*; but the fees on theſe are very large, which prevents ſpecial licences from becoming too common. The pariſhes where the parties dwell, ſhall be expreſſed in the licence, as alſo the pariſh named where the marriage ſhall be celebrated. And if any commiſſary for faculties, vicars general, or other ordinaries ſhall offend in the premiſes, or any part thereof, he ſhall for every time ſo offending be ſuſpended from the execution of his office for the ſpace of ſix months; and every ſuch licence or diſpenſation ſhall be held void to all effects and purpoſes, as if there had never been any ſuch granted. And if any perſon ſhall falſely make, alter, forge, or counterfeit any ſuch licence of marriage; or cauſe or procure the ſame to be done; or aſſiſt therein; or utter or publiſh the ſame as true, knowing the ſame to be falſe, altered, forged, or counterfeited; he ſhall be guilty of felony without benefit of clergy.

It appears from the foregoing ſtatements, that when the marriage is by banns, it muſt be ſolemnized in the church of the pariſh where one of the parties has been reſident during the laſt month, and when by licence, in the church appointed by ſuch licence, which alſo muſt be the pariſh church of one of the parties, and that the time muſt be between eight o'clock in the morning, and noon. A clergyman offending in any of theſe particulars, was by the canon law to be ſuſpended three years; but by the ſtatute 26 Geo. II. c. 33, commonly called the marriage act, he is to be tranſported fourteen, and the marriage itſelf is to all effects and purpoſes null and void.

In very remote times there was no ceremony of marriage, the parties being agreed, the huſband went to the houſe where his intended wife dwelt, and taking her to his home, declared himſelf to be, and accordingly became, her huſband. In England, in the time of Oliver Cromwell, marriages were performed by juſtices of the peace, though this alteration could produce no effect but that of leſſening the utility of the clergy. The rite of marriage, although conſidered as a high ſolemnity in the church of England, is not, as in that of Rome, a ſacrament; nor is it regarded in law in any other view than as a contract, though of the higheſt nature, and every violation of it emi-

nently penal in its conſequences. In ſolemnizing marriage, the prieſt ſolemnly requires any one who can ſhew cauſe againſt it then to do ſo, adding the charitable injunction, that if then omitted, the party ſhall for ever after hold his peace. The whole form of proceedings is very accurately deſcribed in the book of common prayer; and it is well known that the ring is the inſtrument or ſymbol by which the parties are united. This ring at firſt, according to Swinburn, was not of gold but of iron, adorned with an adamant, the metal hard and durable, ſignifying the durance and perpetuity of the contract. "Howbeit," he ſays, "it ſkilleth not, at this day, what metal the ring be of; "the form of it being round and without end, doth import, that "their love ſhould circulate and flow continually. The finger "on which this ring is to be worn, is the fourth finger of the left "hand next unto the little finger, becauſe there was ſuppoſed a "vein of blood to paſs from thence unto the heart." In the Roman ritual, there is a benediction of the ring, and a prayer that ſhe who wears it may continue in perfect love and fidelity to her huſband, and the fear of God all her days.

The ceremony muſt be performed in preſence of two perſons beſide the prieſt, and when complete, an entry is made in a regiſter book, provided for the purpoſe by the churchwardens, and ruled with methodical exactneſs to prevent interpolation. In this entry or regiſter it ſhall be expreſſed that the marriage was celebrated by banns or licence; and if both or either of the parties married by licence be under age, the conſent of the parents or guardians muſt be entered in the record, which muſt be ſigned by the miniſter with his proper addition, and alſo by the parties married, and atteſted by two witneſſes preſent at the ſolemnization of ſuch marriage. The copy of this entry on a ſtamp, with a formal atteſtation that it was duly extracted, is called a certificate. The regiſter book is the higheſt, and, with reſpect to families, the moſt important evidence. It is, therefore, provided in the marriage act, that if any perſon ſhall, knowingly and wilfully, inſert, or cauſe to be inſerted, in ſuch regiſter book, any falſe entry of any matter or thing relating to any marriage; or falſely make, alter, forge, or counterfeit, or cauſe or procure to be made, altered, forged, or counterfeited; or aſſiſt in making, altering, forging, or counterfeiting, any ſuch entry in ſuch regiſter; or utter, or publiſh as true, any ſuch falſe, altered, forged, or counterfeited regiſter as aforeſaid, or a copy thereof, knowing the ſame to be falſe, altered, forged, or counterfeited; or if any perſon ſhall wilfully deſtroy, or cauſe or procure to be deſtroyed, any regiſter book of marriages, or any part thereof, with intent to avoid any marriage, or to ſubject any perſon to any of the penalties of the act, he ſhall be guilty of felony without benefit of clergy.

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The impediments to marriage, so often mentioned, are, 1st, canonical, which are precontract, and consanguinity or affinity; 2d, legal, which are prior marriage, want of age, want of consent of parents or guardians, want of reason, and breach or falsification of some of the other requisites already described.

Precontract is now an objection of no force, since the party suffering by the breach of it may recover damages in a civil action, but not the party injured, nor in course those who have married to the injury of that party, can make it a ground for annulling the marriage. The rules of canon and civil law respecting precontracts were these; the parties mutually said "I will take thee to be my wife," or "my husband;" and this, if done in an open place, before witnesses, was effectual as an obligation in the present, to be performed in future. All contracts made before the age of seven were void, between that age and twelve in the female, and fourteen in the male, they could only contract for the future, but not the present; but after those ages they were capable of true and lawful matrimony; till one-and-twenty, however, their contracts required the sanction of parents or guardians.

Consanguinity and *affinity* differ in this; consanguinity is a natural relationship, as that of a father to his son, or of a man to the child of his brother or sister. Affinity is acquired, as the relation of a man to his son's wife, or to the brother or sister of his own wife, or to her children by a former marriage. The relations by consanguinity, in a right line ascending and descending, can never marry; that is, if a man could live till his great grand daughter were marriageable, he would not be allowed to contract matrimony with her. In collateral consanguinity the prohibition goes no further than to prevent a man from marrying his niece, or a woman her nephew; but the children of brothers can legally marry. The objections, on account of affinity, cannot well be described; they are partly founded on the prohibitions in the eighteenth chapter of the book of Leviticus, but more clearly expressed in a table set forth in the year 1563; the substance of which is generally printed in bibles and common prayer books*. The reasons in favour of these prohibitions, drawn from divine law, natural reason, and sound morality, are so numerous and so obvious, that it is not thought necessary here to repeat them.

Prior marriage. The first wife or husband being alive is an insuperable bar to the validity of a nuptial contract; nor can this defect be extenuated by any circumstance, such as ignorance of

* The reason for framing this table was to prevent the effect of those fantastic consanguinities and affinities which were invented by the church of Rome to obtain money by the sale of dispensations.

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the firſt ſpouſe being alive; or remedied by any ſucceeding event, as death before or after the fact was known. Polygamy, or, as it is leſs properly called, bigamy, is felony by the ſtatute 1 James I. c. 11. but with benefit of clergy. There are five exceptions which prevent the condemnation of the offender, but only the laſt two permit the ſecond marriage to be valid: 1. Where either party has been continually *abroad* for ſeven years, whether the party in England has notice of the other's being living or not. 2. Where either of the parties has been abſent from the other ſeven years *within* this kingdom, and the remaining party has had no knowledge of the other's being alive within that time. 3. Where there is a divorce, or ſeparation *a menſa et thoro*, by ſentence in the eccleſiaſtical court. 4. Where the firſt marriage is declared abſolutely void by any ſuch ſentence, and the parties looſed *a vinculo*. Or, 5. Where either of the parties was under the age of conſent at the time of the firſt marrage; for in ſuch caſe the firſt marriage was voidable by the diſagreement of either party, which the ſecond marriage clearly amounts to. But if, at the age of conſent, the parties had agreed to the marriage, which completes the contract, and is indeed the real marriage, and afterwards one of them ſhould marry again, ſuch ſecond marriage, it is thought, would be within the reaſon and penalties of the act.

Want of age, and want of conſent of parents or guardians, are defects more decidedly marked by the marriage act than by any former ſyſtem of law. Many wiſe and good men have doubted whether the neceſſary poſtponement of marriage to ſo long a period after the age of puberty is not injurious to morals in a far greater degree than the protection it affords to propriety, and family feeling can atone for. The age fixed is twenty-one both in men and women: the conſent of parents or guardians muſt be expreſs and abſolute; guardians may be appointed by the will of ſome perſon who bequeaths property, or nominated by the court of chancery; and it has been held, with reſpect to a baſtard, that the conſent of its putative parents is of no avail, but that a guardian muſt be appointed for the expreſs purpoſe of bringing him or her within the proviſion of the marriage act. As it is expreſsly declared in that ſtatute, that it does not extend to Scotland, it is uſual for parties who wiſh to free themſelves from its reſtraints to get the marriage ceremony performed in that part of the kingdom. Doubts have been ſtated reſpecting the validity of ſuch marriages, they being frauds upon the law, but a caſe is reported, in which they were affirmed to be legal. If parties who have married without conſent of their parents or guardians, are in a ſtate of widowhood before the age of twenty-one, they are not again ſubject to any impediment.

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The other points, *want of reaſon and violation of ſome regulations in the marriage act*, have already been mentioned.

The chief conſequences of marriage legally contracted, and duly ſolemnized, are theſe: The huſband and wife are one perſon in law; that is, the very being or legal exiſtence of the woman is ſuſpended during the marriage, or at leaſt is incorporated and conſolidated into that of the huſband, under whoſe wing, protection, and *cover*, ſhe performs every thing, and is therefore called in our law French a *feme-covert; fœmina viro cooperata*, is ſaid to be *covert baron*, or under the protection and influence of her huſband, her baron, or lord; and her condition, during her marriage, is called her *coverture*. Upon this principle, of an union of perſon in huſband and wife, depend almoſt all the legal rights, duties, and diſabilities, that either of them acquires by the marriage. For this reaſon, a man cannot grant any thing to his wife, or enter into covenant with her; for the grant would ſuppoſe her ſeparate exiſtence; and to covenant with her would be only to covenant with himſelf; and therefore it is alſo generally true, that all compacts made between huſband and wife, when ſingle, are voided by the intermarriage. A woman indeed may be attorney for her huſband; for that implies no ſeparation from, but is rather a repreſentation of, her lord. And a huſband may alſo bequeath any thing to his wife by will; for that cannot take effect till the coverture is determined by his death. The huſband is bound to provide his wife with neceſſaries by law as much as himſelf; and if ſhe contracts debts for them, he is obliged to pay them; but for any thing beſides neceſſaries he is not chargeable. Alſo, if a wife elopes, and lives with another man, the huſband is not chargeable even for neceſſaries; at leaſt if the perſon who furniſhes them is ſufficiently apprized of her elopement. If the wife be indebted before marriage, the huſband is bound afterwards to pay the debt, for he has adopted her and her circumſtances together. If the wife be injured in her perſon or her property, ſhe can bring no action for redreſs without her huſband's concurrence, and in his name, as well as her own; neither can ſhe be ſued, without making the huſband a defendant. There is indeed one caſe where the wife may ſue and be ſued as a feme ſole, viz. where the huſband has abjured the realm, or is baniſhed, for then he is dead in law; and, the huſband being thus diſabled to ſue for or defend the wife, it would be moſt unreaſonable if ſhe had no remedy or could make no defence at all. In criminal proſecutions, it is true, the wife may be indicted and puniſhed ſeparately; for the union is only a civil union. But, in trials of any ſort, they are not allowed to be evidence for or againſt each other; partly becauſe it is impoſſible their teſtimony ſhould be indifferent; but principally becauſe of the union of

perſon; and therefore, if they were admitted to be witneſſes for each other, they would contradict one maxim of law, "*nemo in propria cauſa teſtis eſſe debet;* and if againſt each other, they would contradict another maxim, "*nemo tenetur ſeipſum accuſare.*" But, where the offence is directly againſt the perſon of the wife, this rule has been uſually diſpenſed with; and therefore, by ſtatute 3 Hen. VII. c. 2. in caſe a woman be forcibly taken away, and married, ſhe may be a witneſs againſt ſuch her huſband, in order to convict him of felony; for in this caſe ſhe can, with no propriety, be reckoned his wife, becauſe a main ingredient, her conſent, was wanting to the contract. And alſo there is another maxim of law, that no man ſhall take advantage of his own wrong, which the raviſher would do, if, by forcibly marrying a woman, he could prevent her from being a witneſs, who is perhaps the only witneſs to that very fact.

In the civil law, the huſband and wife are conſidered as two diſtinct perſons, and may have ſeparate eſtates, contracts, debts, and injuries; and therefore, in our eccleſiaſtical courts, a woman may ſue and be ſued without her huſband.

But, though our law in general conſiders man and wife as one perſon, yet there are ſome inſtances in which ſhe is ſeparately conſidered, as inferior to him and acting by his compulſion. And therefore all deeds executed, and acts done by her, during her coverture, are void, except it be a fine, or like matter of record, in which caſe ſhe muſt be ſolely and ſecretly examined, to learn if her act be voluntary. She cannot by will deviſe lands to her huſband, unleſs under ſpecial circumſtances; for, at the time of making it, ſhe is ſuppoſed to be under his coercion; and in ſome felonies, and other inferior crimes, committed by her, through conſtraint of her huſband, the law excuſes her; but this extends not to treaſon or murder. The huſband alſo, by the old law, might give his wife moderate correction; for as he is to anſwer for her miſbehaviour, the law thought it reaſonable to intruſt him with this power of reſtraining her, by domeſtic chaſtiſement, in the ſame moderation that a man is allowed to correct his apprentices or children, for whom the maſter or parent is alſo liable, in ſome caſes, to anſwer. This power of correction was, however, confined within reaſonable bounds, and the huſband was prohibited from uſing any violence to his wife, other than reaſonably belonged to a huſband, for the ſake of diſcipline and lawful caſtigation. The civil law gave the huſband the ſame, or larger authority over his wife; allowing him, for ſome miſdemeanors, ſeverely to beat his wife with a whip or cudgel; for others, only to give her moderate caſtigation; but with us, in the polite reign of Charles II. the power of correction began to be doubted: and a wife may now have ſecurity of the peace againſt her huſband; or, in

return, a husband against his wife. Yet the lower rank of people, who were always fond of the old common law, still claim and exert their antient privilege; and the courts of law will still permit a husband to restrain a wife of her liberty, in case of any gross misbehaviour.

By marriage the whole property of the wife belongs to the husband, but it is customary to guard against the effects of caprice, dissipation, or misfortune, by a contract entered into before marriage, by which estates or sums of money are vested in the names of trustees, whose duty it is to preserve them free from the debts, engagements, or controul of the husband, for the use and benefit of the wife during her life, and subsequently of her children, or in such other mode as the parties and their parents, guardians, or friends have agreed, and this is called a *marriage settlement*. Where no such settlement is made, or where it is not expressly stated to be in bar of *dower*, or thirds at the common law, the wife on the death of her husband is intitled to dower, that is to say, to the third part of all the lands and tenements whereof he was seized at any time during the coverture, to hold for herself, during her natural life. To this rule of endowment there are some inconsiderable limitations and exceptions, but it is in general so extensive, that if the husband possess the estates though but a single moment, the wife shall be endowed; and if he alienates them, they are still liable to dower: copyhold estates are not so, being only at the lord's will; unless by special custom of the manor, in which case it is usually called the widow's free bench. To gain this benefit the woman must be the actual wife of the party at the time of his decease. If divorced *a vinculo matrimonii*, she cannot be endowed; but a divorce *a mensa et thoro* only, does not destroy the dower. Elopement and living with an adulterer deprive her of this benefit, unless her husband be reconciled and bring her back to live with him.

If a woman is seised of any estate for life, and a man marries her, has a child by her which is born alive, and she dies, the surviving widower holds the estate for his life, to the prejudice of the person who ought to have succeeded to it; he is then called *tenant, by the courtesy of England*.

Divorce. Marriage is intended to last during the joint-lives of the parties, but divorces may be obtained for various causes. They are of two sorts, the one *a mensa et thoro*, which enables the parties to live separately, but not to contract matrimony elsewhere; the other, *a vinculo matrimonii*, which utterly dissolves or declares null the marriage tie, and allows each party to act as if the rites of wedlock had never been performed.

Pre-contract is esteemed a cause of divorce *a vinculo*; but it can

can hardly exiſt in its more pure ſenſe ſince the marriage act, which forbids the proceeding in the eccleſiaſtical court, on any ſuch ſuppoſed contract; but where marriage has actually taken effect, and where one of the parties has married again after a ſeven years abſence, or on a generally accredited report of the death of the abſentee; the ſecond contract would be void, and the children illegitimate.

Conſanguinity or *affinity*, within the prohibited degrees, afford ground for a ſimilar ſentence attended with the ſame conſequences.

Frigidity or *impotence*, fruſtrating the original cauſe of the marriage contract, is likewiſe a foundation for a divorce *a vinculo*; but this defect muſt have been original and conſtant, for if it has ſupervened after marriage, it is not a matter of which any court can take cognizance.

Cruelty on the part of the huſband, or his living in *adultery*, or being guilty of practices repugnant to nature, are good reaſons for granting a divorce *a menſa et thoro*, at the ſuit of the wife.

Adultery of the wife is the foundation only of a divorce *a menſa et thoro*, in the eccleſiaſtical courts; nor will even that be granted if ſhe recriminates, and proves that her huſband was indulging in the ſame irregularities. If his conduct is not open to this cenſure, or to the imputation of cruelty or groſs neglect, he can, not only obtain this ſeparation, but damages from him who has committed adultery with his wife, and verdicts on this account have been given to a very great amount. After the huſband has purſued theſe two courſes, he can apply to parliament, for an act divorcing him intirely from his unfaithful wife, and leaving him free to contract elſewhere. But parliament in exerciſing this extraordinary power, ſhew a great degree of jealouſy and caution; they rigidly inſiſt on the divorce in the eccleſiaſtical court; and damages in a court at Weſtminſter being obtained, they re-examine the witneſſes to prove all the material facts in the caſe; and they take every precaution that can be reaſonably deviſed, to aſſure themſelves that there is no colluſion among the parties, and that the application to them does not proceed from reſtleſſneſs of inclination, or love of change.

In caſe of divorce *a menſa et thoro*, the law gives the wife *alimony*, or an allowance out of the huſband's eſtate for her ſupport. It is ſettled at the diſcretion of the eccleſiaſtical judge, on conſideration of all the circumſtances of the caſe. This is ſometimes called the wife's *dowers*; for recovery of which, there is (beſides the ordinary proceſs of excommunication,) a writ at common law *de eſtoveriis habendis*. It is generally proportioned to the rank and quality of the parties; but in caſe of elopement, and living with an adulterer, the law allows

allows to the wife no alimony. In modern times the neceſſity of ſuch applications to judges and courts, is frequently prevented by the marriage ſettlement, which fixes a ſum under the name of ſeparate maintenance, to be allowed to the wife in caſe of thoſe incompatibilities of temper, or irregularities of conduct which may occaſion ſeparations.

Elopement is the culpable act of a woman, voluntarily leaving her huſband; or continuing to abſent herſelf from him by her own conſent, after an original leaving by force. However immodeſt a wife's conduct may be, yet while ſhe co-habits with her huſband, he is bound to ſupply her with neceſſaries, and to pay for them; for he took her for better for worſe: ſo if he runs away from her, or turns her away; but if ſhe goes away from him; when ſuch ſeparation becomes notorious, whoever gives her credit, does it at his peril, for the huſband is not liable, unleſs he takes her again; in which caſe all her legal claims are revived. If huſband and wife ſeparate by conſent, he making her a ſeparate allowance, and the fact being publicly and commonly known, no perſon ſupplying her, even with neceſſaries, can afterward have recourſe to him for payment; but if a huſband turns his wife away without her conſent, he muſt be anſwerable for the debts ſhe incurs.

Bastards. In this term are included all children born out of lawful matrimony, even though their putative parents afterward marry; and all thoſe born of parents who are divorced for polygamy, conſanguinity, or affinity; but if either of the parties who have married within the prohibited degrees, dies before ſentence of divorce, the contract remains unimpeachable in itſelf and the iſſue are legitimate. In wedlock ſome caſes are admitted in which the children are reputed baſtards; as impotency of the huſband, or where it can be proved that he has not had acceſs to his wife for a certain term; it was in old times ſettled that if both were within the four ſeas, acceſs ſhould be preſumed, but modern deciſions have more wiſely eſtabliſhed, that acceſs ſhould be matter of evidence, and left to the determination of a jury.

A baſtard is in law the child of nobody; but this definition does not hold to ſuch an extent, as to ſanction acts evidently criminal. He has no parent from whom he can claim inheritance; if he dies unmarried and inteſtate, his brothers, or any of the deſcendants of his father or mother, cannot inherit his property, but it lapſes to the patentee or grantee of the crown; but yet a baſtard cannot marry his mother, or his baſtard ſiſter; for though the law does not acknowledge his affinities, nature does, and her law muſt not be counteracted. The ſtatutes have made many proviſions, for preventing baſtard children

children from becoming chargeable to parishes, and they give power to magistrates to commit the fathers and mothers to the house of correction; and the ecclesiastical court may subject the offenders to penance.

Such are the chief ecclesiastical rites, and the duties and contingencies arising from them.

Ecclesiastical Offences and Punishments. These offences may be equally committed by the clergy and laity; but as the clerical character is a high aggravation, the ecclesiastical courts punish with greater severity delinquents of that class.

Simony. The name of this offence is derived from Simon the sorcerer, mentioned in the Acts of the Apostles, as endeavouring to purchase for money the gift of the Holy Ghost. It is defined to be the buying or selling of holy orders, or of any ecclesiastical dignity or promotion. This was by the canon law a very grievous crime; and so much the more odious, because, as Sir Edward Coke observes, it is ever accompanied with perjury; for the presentee is sworn to have committed no simony. The canons being found insufficient to inforce adequate punishment, an act was passed 31 Eliz. c. 6. defining the offence in very explicit and copious terms, and ordaining that the presentation should be void, and the turn lapse to the crown, the grantor to forfeit besides, double the amount of one year's value of the benefice, and the clerk so corruptly taking or seeking it was disabled to hold that benefice. Any person, for any reward or benefit direct or indirect, admitting, instituting, installing, inducting, investing or placing a man in a benefice or dignity, forfeits double the value of one year's profit; the benefice or dignity to become void, and the patron to be at liberty to present anew. A resignation or exchange for money, or a corrupt motive, subjects both giver and receiver to a penalty of double the sum. The person taking a reward beyond the ordinary fees for giving orders, or licence to preach, to forfeit 40*l.*, and the person so receiving orders or licence to forfeit 10*l.*; and any benefice conferred on him within seven years after his so entering into the ministry to be void, and the patron to present again. The penalties mentioned in this act are to be paid in equal parts, to the crown and to the informer. Doubts having arisen whether this statute extended to a clerk, purchasing the next presentation to a benefice while it was full, it was enacted by 12 Anne, c. 12. that such transactions should be deemed simoniacal, and the same penalties incurred as if the agreement had been made after the vacancy of the benefice. These statutes, it is to be observed, extend only to presentations, but not to advowsons, which being a temporal inheritance, may be conveyed like others of the same class;

claſs; but if an advowſon is granted during the vacancy of a benefice, the turn to that preſentation is not included in the grant.

Bonds of reſignation have been held to be intimately connected with ſimony; they are of two ſorts, *general* and *ſpecial*. General bonds conditioned for the reſignation of the living on the requeſt of the patron, were declared to be legal by a long ſeries of deciſions in all the courts; but in a caſe which occurred in 1783, after the validity of ſuch a bond had been eſtabliſhed in the courts of Common Pleas, and King's Bench, their judgment was reverſed on a writ of error in the Houſe of Lords; the lord chancellor Thurlow, and the biſhops ſtrenuouſly exerting themſelves againſt ſuch bonds, and maintaining their illegality, although their opinion was directly contrary to that of all the judges, except baron Eyre. This deciſion has not hindered the court of King's Bench from giving judgment in a ſubſequent caſe, that a bond given to reſign a rectory when the patron's ſon came of age, and to keep the chancel and rectory in repair, was valid; but as the condition of this bond was ſpecial, it was expected that the Houſe of Lords if the caſe was carried there, would allow the principle of their former deciſion to be reargued. But however good ſuch bonds might be in law, the courts of Equity have always interfered to reſtrain an improper uſe of them, as when the patron uſed his bond as a threatening inducement to the parſon to forbear demanding his tythes or dues of a pariſhioner, or when the party in whoſe favour the reſignation was intended to be, came of age, but inſtead of the living, compelled the incumbent to grant him an annuity; in ſuch caſes perpetual injunctions have been granted.

Blasphemy and Profaneness. All blaſphemies againſt God, as denying his being or providence; and all contumelious reproaches of Jeſus Chriſt; all profane ſcoffing at the holy ſcripture, or expoſing any part thereof to contempt or ridicule; all impoſtures in religion, as falſely pretending to extraordinary commiſſions from God, and terrifying or abuſing the people with falſe denunciations of judgments; and all open lewdneſs, groſsly ſcandalous, tend to ſubvert religion or morality, which are the foundation of government, and are therefore puniſhable by the temporal judges with fine and impriſonment, and alſo ſuch corporeal infamous puniſhment, as to the court in its diſcretion ſhall ſeem meet, according to the heinouſneſs of the crime. Alſo, ſeditious words, in derogation of the eſtabliſhed religion, are indictable, as tending to a breach of the peace; as theſe, "your religion is a new religion; preaching is but prattling, and prayer once a day is more edifying."

edifying." By ſtatute 3 Jac. I. c. 21. If any perſon ſhall in any ſtage-play, interlude, ſhew, make game, or pageant, jeſtingly or profanely ſpeak, or uſe the holy name of God, or of Chriſt Jeſus, or of the Holy Ghoſt, or of the Trinity, which are not to be ſpoken but with fear and reverence, he ſhall forfeit 10*l.*, half to the king, and half to him that ſhall ſue for the ſame in any court of record at Weſtminſter.

Under this head it is fit to notice profane curſing and ſwearing. By the canon the church-wardens or ſides-men were obliged to preſent offenders in this reſpect at the viſitation, and they were to be excluded from the Holy Communion till reformation. And by the 19 Geo. II. c. 21. "If any perſon "ſhall profanely curſe or ſwear, and be thereof convicted on "the oath of one witneſs, before one juſtice of the peace, or "mayor of a town corporate, or by confeſſion; every perſon "ſo offending ſhall forfeit as follows: that is to ſay, every day "labourer, common ſoldier, common ſailor, and common "ſeaman, one ſhilling; and every other perſon under the de-"gree of a gentleman, two ſhillings: and every perſon of and "above the degree of a gentleman, five ſhillings. And if any "perſon after conviction offend a ſecond time, he ſhall forfeit "double; and for every other offence after a ſecond convic-"tion, treble. And if ſuch profane curſing or ſwearing ſhall "be in the preſence, and hearing of a juſtice of the peace, or in "the preſence or hearing of ſuch mayor as aforeſaid; he ſhall "convict the offender without further proof." If in preſence of a conſtable or peace officer, he is to ſecure and convey him before a magiſtrate for conviction; and if he does not pay the penalties, he is to be committed to the houſe of correction for ten days; or if a ſoldier or ſailor in his majeſty's ſervice, to be ſet in the ſtocks one hour, or if he has committed more offences than one, two hours: magiſtrates wilfully omitting their duty, forfeit 5*l.*, half to the informer and half to the poor, and conſtables and other peace officers 40*s.* All flag officers, and all perſons in or belonging to his majeſty's ſhips or veſſels of war, being guilty of profane oaths, curſings, execrations, or other ſcandalous actions, in derogation of God's honour, and corruption of good manners, ſhall incur ſuch puniſhment as a court martial ſhall think fit to impoſe, and as the nature and degree of their offence ſhall deſerve.

Apostacy. This crime is defined to be a total renunciation of Chriſtianity, and embracing a falſe religion, or diſclaiming all religion; and it can only take place in a perſon who has once been a Chriſtian. This crime was at one period puniſhed with death, but that being conſidered too great in reſpect of its civil effect, and the eccleſiaſtical law having no power to in-

flict

ſiſt it, apoſtacy was left to the operation of eccleſiaſtical cenſure, till about the cloſe of the 17th century, when the civil liberties, to which we were reſtored, being uſed as a cloak for maliciouſneſs, and the moſt horrid doctrines, ſubverſive of all religion, being publicly avowed, both in diſcourſe and writings, it was thought neceſſary, again, for the civil power to interpoſe, by not admitting thoſe miſcreants to the privileges of ſociety, who maintained ſuch principles as deſtroyed all moral obligation. To this end it was enacted, by ſtatute 9 and 10 William III. c. 32. that if any perſon educated in, or having made profeſſion of, the Chriſtian religion, ſhall, by writing, printing, teaching, or adviſed ſpeaking, deny the Chriſtian religion to be true, or the holy ſcriptures to be of divine authority, he ſhall, upon the firſt offence, be rendered incapable to hold any office or place of truſt; and, for the ſecond, be rendered incapable of bringing any action, being guardian, executor, legatee, or purchaſer of lands, and ſhall ſuffer three years impriſonment, without bail. But theſe puniſhments could only take place when an information was given upon oath, before a juſtice of peace, within four days after ſuch words ſpoken; and the proſecution commenced within three months after ſuch information; and, to give room for repentance, if, within four months after the firſt conviction, the delinquent, in open court, publicly renounced his error, he was diſcharged, for that once, from all diſabilities.

Heresy. The abſtract definition of this term, among proteſtants, is ſaid to be a falſe opinion, repugnant to ſome part of doctrine clearly revealed in ſcripture, and either abſolutely eſſential to the Chriſtian faith, or, at leaſt, of moſt high importance. Such a definition is far from being ſufficiently clear to juſtify the holding of a criminal juriſdiction over him who falls within it; and, looſe as it is, the church of Rome, by adopting others ſtill leſs preciſe, at different periods, converted the imputation of hereſy into an engine of cruelty and oppreſſion. Particular modes of belief, or unbelief, not tending to overturn Chriſtianity itſelf, are not proper objects of coercion by a civil magiſtrate; and which of them ſhould be denominated heretical was left to the deciſion of the eccleſiaſtical judge. The Roman Catholics, by a definition of moſt extraordinary extent, conſidered as heretics all "teachers of erroneous opinions, con-"trary to the faith and bleſſed determination of the holy "church." It is true, that the ſanctimonious hypocriſy of the canoniſts went, at firſt, no farther than enjoining penance, excommunication, and eccleſiaſtical deprivation, for hereſy, though afterwards they proceeded boldly to impriſonment by the ordinary, and confiſcation of goods to pious uſes: but, in the

mean time, they had prevailed on the weakneſs of bigotted princes, to render the civil power ſubſervient to their purpoſes, by making hereſy not only a temporal, but even a capital offence; the Romiſh eccleſiaſtics determining, without appeal, whatever they pleaſed to be hereſy, and conſigning to the ſecular arm the odium and drudgery of executions; with which they themſelves were too tender and delicate to intermeddle. Nay, they pretended to intercede and pray, on behalf of the convicted heretic, that the ſentence might be limited, and not extend to death; well knowing, at the ſame time, that they were delivering the unhappy victim to certain execution. Thus, the writ *de hæretico comburendo* became one of thoſe acknowledged by our law; but ſtill the iſſuing of it was under ſome reſtraints. The conviction of hereſy, by the common law, was not in any petty eccleſiaſtical court, but before the archbiſhop himſelf, in a provincial ſynod; and the delinquent was delivered over to the king, to do as he ſhould pleaſe with him; ſo that the crown had a controul over the ſpiritual power, and might pardon the convict, by iſſuing no proceſs againſt him; the writ *de hæretico comburendo* being not a writ of courſe, but iſſuing only by the ſpecial direction of the king in council. In the time of Henry IV., the clergy, alarmed by the progreſs of reformers, under the name of Lollards, and taking advantage of the king's feeble title to the throne, obtained an act of parliament, enabling the dioceſan alone, without the intervention of a ſynod, to convict perſons of heretical tenets; and, unleſs the convict abjured his opinions, or, if after abjuration, he relapſed, the ſheriff was bound, *ex officio*, if required by the biſhop, to commit the unhappy victim to the flames, without waiting for the conſent of the crown. From this period, until the reformation, no material relaxation of this ſyſtem of cruelty took place, except a ſtatute of Henry VIII., declaring offences againſt the ſee of Rome not to be hereſy; but another ſtatute of the ſame reign affirmed the ſix moſt conteſted points of popery, and ſentenced thoſe who ſhould oppugn the firſt, tranſubſtantiation, to the fire as hereties; and the other five, communion in one kind, celibacy of the clergy, monaſtic vows, the ſacrificing of the maſs, and auricular confeſſion, to the gallows as felons. When the reformation reared its head, after the oppreſſive reign of Queen Mary, the ſtatute 1 Eliz. c. 1. repealed all former ſtatutes relative to hereſy, leaving the juriſdiction on that ſubject as it ſtood at common law; viz. as to the infliction of common cenſures, in the eccleſiaſtical courts; and, in caſe of burning the heretic, in the provincial ſynod only. It fixed a boundary to the definition of the offence, limiting it to tenets which had been ſo declared; 1. By words of the canonical ſcriptures: 2.

By

By the firſt four general councils, or ſuch others as have only uſed the words of the holy ſcriptures; or, 3. Which ſhould afterwards be ſo declared by the parliament, with the aſſent of the clergy in convocation. The writ *de hæretico comburendo*, however, ſtill remained, and was executed in the reign of Elizabeth on two Anabaptiſts, and in that of James I. on two Arians; but it was aboliſhed by the ſtatute 29 Charles II. c. 9.; and hereſy left ſubject only to eccleſiaſtical cenſure, *pro ſalute animæ*.

Thus, with reſpect to religion, every man is free to entertain whatever ſentiments he pleaſes, without inquiry; and all modes of doctrine, conſiſtent with the great truths of Chriſtianity, may be inculcated by Chriſtian teachers, without reſtraint; but by the ſtatute 9 and 10 W. III. c. 32. if any perſon educated in the Chriſtian religion, or profeſſing the ſame, ſhall, by writing, printing, teaching, or adviſed ſpeaking, deny any one of the perſons in the Holy Trinity to be God, or maintain that there are more gods than one, he ſhall undergo the ſame penalties and incapacities which are inflicted on apoſtacy by the ſame ſtatute.

Impostures and pretended Prophecies. Theſe offences, as they are founded on a ſuppoſed inſpiration, may properly be termed eccleſiaſtical, though they are cognizable only by a civil magiſtrate. Thoſe who falſely pretend an extraordinary commiſſion from heaven, or terrify and abuſe the people with falſe denunciations of judgment, are puniſhable by the temporal courts with fine, impriſonment, and infamous corporal puniſhment. Falſe and pretended prophecies, with intent to diſturb the peace, are equally unlawful, and more penal; as they raiſe enthuſiaſtic jealouſies in the people, and terrify them with imaginary fears. They were puniſhed by ſtatute 1 Ed. VI. c. 12. which was repealed in the reign of Queen Mary. And, now, by the ſtatute 5. Eliz. c. 15. the penalty for the firſt offence is a fine of 10*l.* and one year's impriſonment; for the ſecond, forfeiture of all goods and chattels, and impriſonment during life.

Witchcraft and Sorcery. In the ancient code theſe were crimes of the greateſt magnitude; and popular ſuperſtition lending its aid to erroneous legiſlation, many enormities were committed under pretence of detecting, trying, and puniſhing thoſe who had made compact with the evil ſpirit. The better ſenſe of modern times has repreſſed theſe exceſſes, and reduced the formidable tribe of witches and conjurers to their proper rank of vagabonds and impoſtors; not, however, to be puniſhed with death, but confined to hard labour, expoſed in the pillory, and reſtrained by ſecurities for their future good behaviour. This alteration was effected by the ſtatute 5 G. II. c. 5.

Sabbath-breaking. Againſt the profanation of the Lord's-

day, provision has been made in several statutes, and, by the canon law; but all these are tempered by a strict regard to the necessities and conveniencies of the public. The penalty for not attending public worship has been mentioned. The exercise of several trades is forbidden by various statutes under different penalties; shoemakers exhibiting for sale any of their goods, are amerced in 3*s*. 4*d*. a pair and the value; carriers, carters, and drovers, travelling, incur a penalty of 20*s*.; butchers killing or selling meat, 6*s*. 8*d*.; and all persons are prohibited from doing or exercising any worldly labour, business, or work, of their ordinary callings, on the Lord's day, or any part thereof (works of necessity and charity only excepted). No person shall publicly cry, shew forth, or expose to sale, any wares, merchandises, fruits, herbs, goods, or chattels whatsoever, on the Lord's day, or any part thereof, on pain of forfeiting the same; no drover, horse-courser, waggoner, butcher, higler, or any of their servants, shall travel or come into his or their inn or lodging, on the Lord's day, or any part thereof, on pain of 20*s*. and no person shall use, employ, or travel, on the Lord's day, with any boat, wherry, lighter, or barge, except it be on extraordinary occasions, to be allowed by a justice of peace of the county, or the head officer, or some justice of peace of the city, borough, or town corporate, where the fact shall be committed, on pain of 5*s*. But this shall not extend to the prohibiting of dressing of meat in families, or dressing or selling of meat in inns, cook-shops, or victualling houses, for such as otherwise cannot be provided; nor to the crying or selling of milk, before nine of the clock in the morning, or after four of the clock in the afternoon. Mackarel are allowed to be sold on Sundays, before or after divine service. And fish-carriages (for the supply chiefly of the markets within London and Westminster) are allowed to pass on Sundays or holidays, whether laden or returning empty. Forty watermen allowed by their company may ply on the Thames, between Vauxhall and Limehouse; and hackney coachmen and chairmen are also allowed to exercise their vocation. The exception from the statute of works of necessity and charity seems to extend by complaisance to barbers; and it had unlimited extent with respect to bakers dressing meat for families, till an act, 34 G. III. c. 61. restrained them to sell bread, and bake puddings, pies, and tarts, only between the hours of nine in the forenoon and one in the afternoon. Fairs and markets are forbidden by an act of Henry VI. sports, such as bear or bull-baiting, interludes, common plays, and other unlawful exercises and pastimes, by the 1 Cha. I. c. 1. which further provides, that there shall be no assemblies or concourse of people out of their own parishes on the Lord's day for any sports whatever;

whatever; the penaly on each offender is 3*s*. 4*d*. This act, diſtinguiſhing between lawful and unlawful ſports, proceeded on the book of ſports allowed by James I. publiſhed in 1618, whereby that king publicly declared to his ſubjects theſe games following to be lawful, viz. dancing, archery, leaping, vaulting, may-games, whitſun-ales, and morris-dances; and commanded that no ſuch honeſt mirth or recreation ſhould be forbidden on Sundays after evening ſervice. Killing game, or uſing a gun on Sundays, is prohibited by ſtatute 13 Geo. III. c. 80. and by 29 C. II. c. 7. no proceſs can be ſerved or executed on the Lord's day, except for treaſon, felony, and breach of the peace, to which is added a judge's warrant, for apprehending a perſon who has eſcaped from priſon. In order to diſcountenance travelling on the Lord's day, it is enacted, that a perſon robbed, cannot, as in other caſes, ſue the county; but it was decided, that a perſon travelling in his coach to his own pariſh-church, and robbed, was not deprived of this remedy.

In this diviſion mention muſt be made of the *holidays* obſerved in the church of England, on ſome of which, particularly Chriſtmas day and Good Friday, the ſame general reſtrictions prevail as on Sundays. The obſervance of certain days, as fit periods for returning thanks to God for ſingular benefits or mercies, deprecating renewals of his vengeance, and commemorating with praiſe the bleſſed who have ſuffered martyrdom for the eſtabliſhment of his holy religion, is evidently connected with the practice of the moſt pure and rational piety. The church of England holds on this point a juſt medium between the papiſts, who filled the calendar with days of obſervance, in compliment to fictitious or unknown ſaints, and the overſtrained rigour of ſome ſectaries, who, carping at the term *holiday*, will not allow one day to be more holy than another. In the early days of the reformation, the ſtatute 5th and 6th Edward VI. c. 3. ſhewing, in its preamble, the fitneſs of obſerving certain days, but acknowledging that they are not expreſsly pointed out in ſcripture, but left to be determined and aſſigned by the rulers and miniſters of Chriſt's church in every country, enacts that the following days ſhall be kept holidays, and none others; that is to ſay, all Sundays in the year, the days of the feaſt of the circumciſion of our Lord Jeſus Chriſt, of the epiphany, of the purification of the Bleſſed Virgin, of St. Matthias the apoſtle, of the annunciation of the Bleſſed Virgin, of St. Mark the evangeliſt, of St. Philip and James the apoſtles, of the aſcenſion of our Lord Jeſus Chriſt, of the nativity of St. John Baptiſt, of St. Peter the apoſtle, of St. James the apoſtle, of St. Bartholemew the apoſtle, of St. Matthew the apoſtle, of St. Michael the archangel, of St. Luke the evangeliſt, of St. Simon and Jude the apoſtles,

of All Saints, of St. Andrew the apoſtle, of St. Thomas the apoſtle, of the nativity of our Lord, of St. Stephen the martyr, of St. John the evangeliſt, of the Holy Innocents, Monday and Tueſday in Eaſter week, and Monday and Tueſday in Whitſun week; and that no other day ſhall be kept and commanded to be kept holy, or to abſtain from lawful bodily labour. To theſe the church has added the converſion of St. Paul, and the day of St. Barnabas, and at different periods, the fifth of November, in commemoration of the popiſh plot, the thirtieth of January, for the murder of king Charles I.; the twenty-ninth of May, for the reſtoration of royalty in the perſon of Charles II.; and the day of acceſſion of the reigning ſovereign. Vigils and days of abſtinence from fleſh, are among the ordinances of the church, but the obſervance of them is left entirely to the diſcretion of individuals.

The puniſhments inflicted for the above offences by the courts of law have been generally mentioned; thoſe in the power of the church are, firſt, with reſpect to the clergy, ſuſpenſion, deprivation, and degradation; and ſecond, with reſpect to them and the laity alike, penance and excommunication.

Before the reformation, the clergy had a prerogative called *canonical purgation*, which entitled them, when convicted of an offence before a ſecular judge by evidence, or even by confeſſion, to cauſe a jury of twelve clerks to be impannelled before a biſhop or his ordinary, before whom the offender came, and ſwearing himſelf to be not guilty, and procuring twelve clergymen to ſwear they believed him, he was delivered from puniſhment; but this abſurd encouragement of perjury was abrogated in the reign of Elizabeth.

Suspension. The ſuſpenſion of a clergyman is the prohibition of enjoyment of his office, or benefice, for a limited time, but not for ever. The penalty on a clergyman officiating after ſuſpenſion, if he ſhall perſiſt therein after a reproof from the biſhop, is, by the ancient canon law, that he ſhall be excommunicated all manner of ways, and every perſon who communicates with him ſhall be excommunicated alſo. There is a ſuſpenſion applied alſo to the laity, but it ſignifies only a temporary excluſion from hearing divine ſervice and receiving the holy ſacrament, which may therefore be called a temporary excommunication.

Deprivation. This is an eccleſiaſtical cenſure, whereby a clergyman is deprived of his parſonage, vicarage, or other ſpiritual promotion or dignity. In all cauſes of deprivation of a perſon actually poſſeſſed of a benefice, theſe things muſt occur: 1. a monition or citation of the party to appear. 2. A charge given him, to which he is to anſwer, called a libel. 3. A competent

petent time aſſigned for the proofs and anſwers. 4. A liberty for counſel to defend his cauſe, and to except againſt the proofs and witneſſes. 5. A ſolemn ſentence, after hearing all the proofs and anſwers. Theſe are the fundamentals of all judicial proceedings in the eccleſiaſtical courts, in order to a deprivation; and if theſe things be not obſerved, the party has juſt cauſe of appeal, and may have a remedy from a ſuperior court. The cauſes of deprivation allowed by the common law, or by ſtatute, are, want of orders, or of age, illiteracy, ſimony, plurality, conviction of treaſon, felony, or perjury; a ſecond conviction of refuſing to read the book of common prayer, or any part thereof, or ſpeaking or preaching in derogation of it, or uſing any other rite or ceremony; not being admitted to adminiſter the ſacraments within one year after induction; perſiſting in maintaining doctrines repugnant to the thirty-nine articles; omitting to read them or the morning and evening prayers, or to read and ſubſcribe the declaration of conformity, or to take and ſubſcribe the oaths of allegiance, ſupremacy, and abjuration, at the times mentioned in the ſeveral ſtatutes already cited; infidelity and miſcreancy, including atheiſm, blaſphemy, hereſy, and ſchiſm; incontinence, drunkenneſs, diſobedience of the orders and conſtitutions for governing the church, non-payment of tenths, and alienation, certainly, if not dilapidation of eccleſiaſtical eſtates. The cauſes of deprivation by the canon law, are, diſcloſing confeſſions; on which point it may be obſerved, that although in our church Chriſtians are not obliged or enjoined, as in that of Rome, to lay open their acts and even their thoughts to a prieſt, yet it is allowed to ſuch as are diſtreſſed in mind on account of any ſecret offence by them committed, to unburthen their conſciences, and obtain ſpiritual conſolation by confeſſion; and the prieſt, in ſuch caſe, is forbidden to diſcloſe this moſt ſacred and confidential communication, unleſs it be of a nature to involve him in a penalty for having concealed after being made privy to it. The other cauſes in the canon law, are, wearing arms; non-reſidence; demanding money for ſacraments; obſtinacy in intruſion; violating a ſanctuary; marriage and, *a fortiori*, bigamy; concubinage; contumacy in wearing an irregular habit; officiating after excommunication without abſolution, and keeping other faſts than thoſe acknowledged by law. Of theſe latter cauſes ſome are obſolete, and others rendered impoſſible by ſtatutes paſſed ſince the reformation. The ſentence is pronounced by the biſhop only, with the aſſiſtance of his chancellor and dean, if they may conveniently be had, and ſome of the prebendaries, if the court be kept near the cathedral church; or of the archdeacon, if he may be had conveniently, and, at leaſt, two other grave miniſters and preachers,

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to be called by the biſhop when the court is kept in other places.

DEGRADATION. This is an eccleſiaſtical cenſure, whereby a clergyman is deprived of his holy orders, which he formerly had, as of prieſt or deacon. And, by the canon law, this may be done two ways, either ſummarily, or by word only, or ſolemnly, as by diveſting the party degraded of thoſe ornaments and rites, which were the enſigns of his order or degree. This ſolemn degradation was anciently performed in this manner: If the offender was a perſon in inferior orders, then the biſhop of the dioceſe alone, if in higher orders, as prieſt or deacon, then the biſhop of the dioceſe, together with a certain number of other biſhops, ſent for the party to come before them. He was brought in, having on his ſacred robes, and having in his hands a book, veſſel, or other inſtrument or ornament appertaining to his order, as if he was about to officiate in his function. Then the biſhop publicly took away from him, one by one, the ſaid inſtruments and veſtments belonging to his office, ſaying to this effect, "This and this we take from thee, and do deprive thee "of the honour of prieſthood;" and, finally, in taking away the laſt ſacerdotal veſtment, ſaying thus, "By the authority of "God Almighty, the Father, the Son, and the Holy Ghoſt, "and of us, we do take from thee the clerical habit, and do de-"poſe, degrade, deſpoil, and deprive thee of all order, benefit, "and privilege of the clergy." And perhaps it would be better if a clergyman, convicted of crimes which are puniſhable with death, were to be immediately degraded, and not delivered over to the common executioner while inveſted with the clerical character.

PENANCE. This puniſhment is uſed in the diſcipline of the church, and affects the body of the offender, obliging him to afford a public ſatisfaction to the church, for the ſcandal he has given by his evil example. In the caſe of inceſt, or incontinency, the ſinner is uſually injoined to do a public penance in the cathedral or pariſh church, or public market, bare-legged and bare-headed, in a white ſheet, and to make an open confeſſion of his crime in a preſcribed form of words, which is augmented or moderated according to the quality of the offence, and the diſcretion of the judge. So in ſmaller faults and ſcandals, a public ſatisfaction or penance, as the judge ſhall decree, is to be made before the miniſter, churchwardens, or ſome of the pariſhioners, reſpect being had to the quality of the offence, and circumſtances of the fact; as in the caſe of defamation, or the laying violent hands on a miniſter, or the like. And as theſe cenſures may be moderated by the judge's diſcretion, ſo, by ancient privilege of the eccleſiaſtical judge, they may be commuted for an oblation

oblation of money for pious uſes. There were formerly alſo private penances conſiſting of the voluntary infliction of pain, labour, or ſelf-denial, enjoined by prieſts on hearing confeſſions.

EXCOMMUNICATION. This eccleſiaſtical cenſure, whereby the perſon againſt whom it is pronounced is, for the time, caſt out of the communion of the church, is of two kinds, the leſſer and the greater: The *leſſer* is privation of the uſe of the ſacraments and divine worſhip; and this ſentence is paſſed by judges eccleſiaſtical on perſons guilty of obſtinacy or diſobedience, in not appearing on citation, or not ſubmitting to penance or other injunctions of the court. The *greater* excommunication is that whereby men are deprived, not only of the ſacraments and the benefits of divine offices, but of the ſociety and converſation of the faithful. In ſome caſes, as ſtriking in a church, it is declared that the offender ſhall be *ipſo facto* excommunicated; but this is to be underſtood after conviction, which cannot take place without previous monition or ſummons. The ſentence can only be pronounced by the biſhop, or other perſon in holy orders, being a maſter of arts at leaſt alſo; the prieſt's name pronouncing ſuch ſentence is to be expreſſed in the inſtrument iſſuing under ſeal out of the court. By the eccleſiaſtical law, perſons excommunicated are to be inhibited the commerce and communion of the faithful; the churchwardens and queſtmen are to ſee that they be kept out of church, and in ancient times the ſentences of the greater excommunication were ſolemnly promulged four times in the year, with candles lighted, bells tolling, the croſs, and other ſolemnities. If a clerk is excommunicated, he cannot be preſented to a benefice; nor can the perſon excommunicated be an advocate, witneſs, juror, or bring an action, either real or perſonal, for recovery of property; and when dead, he cannot have Chriſtian burial, unleſs ſome perſon will teſtify his repentance. He may, however, make a will, or be nominated executor, but cannot take out probate of the will during the term of his excommunication; and he may have benefit of clergy in a ſimple felony. If a judge of any ſpiritual court excommunicates a man for a cauſe of which he has not the legal cognizance, the party may have an action againſt him at common law, and he is alſo liable to be indicted at the ſuit of the king; but if the excommunication is legal, and within forty days after the ſentence has been publiſhed in the church the offender does not ſubmit and abide by the ſentence of the ſpiritual court, the biſhop may certify ſuch contempt to the king in chancery, upon which there iſſues out a writ to the ſheriff of the county, called from the biſhop's certificate a *ſignificavit*, or, from its effects, a writ *de excommunicato capiendo*; and the ſheriff ſhall thereupon take the offender

and

and impriſon him in the county jail till he is reconciled to the church, and ſuch reconciliation certified by the biſhop; upon which another writ, *de excommunicato deliberando*, iſſues out of chancery to deliver and releaſe him.

TEST ACTS. The offences and puniſhments above-mentioned are generally intended to regulate, as well thoſe who profeſs the chriſtian religion according to the doctrine of the church of England, as thoſe who diſſent from it, or deny chriſtianity altogether; but againſt theſe there are ſome peculiar laws, calculated not to oppreſs them, but to protect and ſecure the national eſtabliſhment from the efforts of fraud and of force. Some of the laws paſſed ſoon after the reformation againſt reviling or degrading the offices of the church, were rendered neceſſary by the hatred and contempt in which that eſtabliſhment was held, not leſs by the diſciples of Geneva than thoſe of Rome. The ſame hatred aſſiduouſly and perſeveringly exhibited, occaſioned the introduction of ſome other ſevere penal ſtatutes, involving the diſſenters as well as the catholics, but their application to the latter claſs was abrogated by the toleration acts, 1 William and Mary, c. 18. and 10 Anne, c. 2. The preciſe reſtraints and indulgences affecting certain claſſes of non-conformiſts, will be noticed in the ſhort account of their principal diviſions; but the general reſtrictions which affect the catholics are comprized in the ſtatutes againſt popery; and thoſe which operate both on them and the proteſtant diſſenters are the corporation and teſt acts, the 13 C. II. ſt. 2. c. 1. and the 25 C. II. c. 2. which is explained by the 9 Geo. II. c. 26. Theſe laws are deſigned as bulwarks to ſecure the eſtabliſhed church againſt perils from non-conformiſts of all denominations, infidels, Turks, Jews, heretics, papiſts, and ſectaries. By the former no perſon can be legally elected to any office relating to the government of any city or corporation, unleſs, within a twelvemonth before, he has received the ſacrament of the Lord's ſupper, according to the rites of the church of England; and he is alſo enjoined to take the oaths of allegiance and ſupremacy, with the oath of office: or, in default of either of theſe requiſites, ſuch election ſhall be void. The other, called the teſt act, directs all officers, civil and military, to take the oaths and make the declaration againſt tranſubſtantiation, in any of the king's courts at Weſtminſter, or at the quarter ſeſſions, within ſix calendar months after their admiſſion; and alſo within the ſame time to receive the ſacrament of the Lord's ſupper, according to the uſage of the church of England, in ſome public church, immediately after divine ſervice and ſermon, and to deliver into court a certificate thereof ſigned by the miniſter and church-wardens, and alſo to prove the ſame by two credible

witneſſes, upon forfeiture of 500*l.* and diſability to hold the ſaid office; and of much the ſame nature with theſe is the ſtatute 7 James I. c. 2. which permits no perſons to be naturalized or reſtored in blood, but ſuch as undergo a like teſt. Before the end of every ſeſſion of parliament, an act is paſſed to indemnify all perſons who have not complied with the requiſitions of the corporation and teſt acts, provided they qualify themſelves within a time then ſpecified; and provided alſo, that judgment in any action or proſecution has not been obtained againſt them for their former omiſſion.

In the following enumeration of the principal religions or ſects inimical to the eſtabliſhment of the church of England, or diſſenting from any or all its doctrines, it is not intended to give even a catalogue of all the names, much leſs to ſtate with preciſion the grounds of their difference, but merely to notice their leading characters, and the ſocial regulations which peculiarly affect them.

Jews. Of all the claſſes of men who inhabited this country, none were ſo uniformly perſecuted as the Jews. As aliens they had no natural rights or claims to protection, and againſt them the bigotry of the monks, the ſuperſtition of the populace, the envy of the merchants, and the diſhoneſty of the barons, were always in enmity, and frequently in conſpiracy. They exerciſed the trade of money-lenders at a time, when, by the Chriſtian religion, the receipt of intereſt for money was held to be accurſed; and thoſe whoſe eſtates were under mortgage, or goods in pledge to theſe people, were always ready to give ſcope to the popular malice, and glut their fury on a race, who, having no national eſtabliſhment in any part of the world, could not revenge or retaliate. Not to mention the maſſacres and robberies to which they were expoſed, it may be fit to notice the laws, which, when they were not oppreſſed or robbed without colour of law, particularly affected them. They and all their goods were at the diſpoſal of the chief lord where they lived; who had an abſolute property in them; and they might not remove to another lord without his leave: and Henry III. ſold the Jews for a certain term of years, to earl Richard, his brother. They were diſtinguiſhed from the Chriſtians in their lives, and at their deaths; for they wore a badge on their outward garments, in the ſhape of a table, and were fined if they went abroad without ſuch badges; and they were never buried within the walls of any city, and anciently not permitted to eſtabliſh places of burial in the country. There were particular judges and laws by which their cauſes and contracts were decided, and there was a court of juſtice aſſigned for the Jews, and they were adjudged to be out of the laws

which

which allowed benefit of clergy. If a Jew of either ſex was married to a Chriſtian, it was felony, and the puniſhment, according to ſome authors, was burning, or, according to others, burying, alive. Finally, in the 16th year of Edward I. they were all impriſoned, but redeemed themſelves for a large ſum of money; though they gained only a reſpite of three years, for in the nineteenth of that monarch, they were formally baniſhed, and ſo remained during 364 years, when Cromwell allowed them to re-enter the kingdom. At preſent there are few diſtinctions, and thoſe neither odious nor oppreſſive, between a Jew and a Chriſtian. The Jews can worſhip, keep their feſtivals, bury, and contract matrimony, according to their own rites, and they are expreſsly exempted, marrying with each other, from the reſtraints in the marriage act. A Jew is however obliged, on application to the chancellor, to allow a ſufficient maintenance to his child becoming a proteſtant; he can recover his rights in all courts of juſtice, and in evidence, or in an anſwer in equity, he is ſworn on the Pentateuch. Jews cannot be naturalized, inaſmuch as they cannot receive the ſacrament according to the forms of the church of England; an act was paſſed in the year 1753, to relieve them from this inability, but in the next ſeſſion it was repealed with precipitancy.

Mahometans. Theſe people never having had any material intercourſe with theſe kingdoms, ſo as to influence their domeſtic ſtate, it is only neceſſary to mention them in explanation of the general underſtanding of the term infidel. This name was applied to all who believe neither the New nor the Old Teſtament to be the word of God; and it is a rule, that ſuch perſons cannot be witneſſes in a court of juſtice; but Mahometans ſworn on the Koran have been allowed to make depoſitions both in the court of Chancery and at the Council Board. It would ſeem then that the definition of infidel, as now adopted, would apply only to atheiſts, and to thoſe ſectaries who acknowledge a God, but deny the authenticity of all revelation. The former cannot, in courſe, be bound by the ſacred nature of any oath; and it is difficult to conceive what form could make a ſerious impreſſion on the other, who worſhips an abſtract being of his own invention; fitting him with powers and attributes at his own pleaſure.

Papists. With reſpect to the incroachments of the head of the Catholic church on the liberties of this country, both religious and civil, ſufficient obſervation has already been made. The degree of indulgence which ought to be extended to thoſe who profeſs that religion is now ſo much a party queſtion, and diſcuſſed with ſo much heat, that an opinion on the ſubject would

would require more ſupport and illuſtration than would be becoming in this work. To avoid any appearance, therefore, of giving or leading to a judgment on this point, the following enumeration of diſabilities, with their cauſes and the relaxations extended to them, is given in the very words of judge Blackſtone, and his commentator Mr. Chriſtian.

After noticing the ſtate of Proteſtant diſſenters, with expreſſions recommendatory of liberal toleration, ſo far as it can be afforded conſiſtently with the ſafety of the eſtabliſhed church, the learned author proceeds: "As to Papiſts, what has been "ſaid of the Proteſtant diſſenters would hold equally ſtrong for "a general toleration of them, provided their ſeparation was "founded only upon difference of opinion in religion, and their "principles did not alſo extend to a ſubverſion of the civil go-"vernment. If once they could be brought to renounce the "ſupremacy of the pope, they might quietly enjoy their ſeven "ſacraments, their purgatory, and auricular confeſſion, their "worſhip of reliques and images, nay even their tranſubſtantia-"tion. But while they acknowledge a foreign power, ſuperior "to the ſovereignty of the kingdom, they cannot complain if "the laws of that kingdom will not treat them upon the foot-"ing of good ſubjects. Let us therefore now take a view of "the laws in force againſt the Papiſts, who may be divided "into three claſſes: perſons profeſſing popery, popiſh recuſants "convict, and popiſh prieſts. 1. Perſons profeſſing the popiſh "religion, beſides the former penalties for not frequenting their "pariſh church, are diſabled from taking lands either by deſcent "or purchaſe after eighteen years of age, until they renounce "their errors; they muſt, at the age of twenty-one, regiſter "their eſtates before acquired, and all future conveyances and "wills relating to them; they are incapable of preſenting to "any advowſon, or granting to any other perſon any avoidance "of the ſame; they may not keep or teach any ſchool, under "pain of perpetual impriſonment; and, if they willingly ſay "or hear maſs, they forfeit the one two hundred, the other "one hundred marks, and each ſhall ſuffer a year's impriſon-"ment. Thus much for perſons who, from the misfortune of "family prejudices or other life, have conceived an unhappy "attachment to the Romiſh church from their infancy, and "publicly profeſs its errors. But if any evil induſtry is uſed "to rivet theſe errors upon them, if any perſon ſends another "abroad to be educated in the popiſh religion, or to reſide in "any religious houſe abroad for that purpoſe, or contributes to "their maintenance when there; both the ſender, the ſent, "and the contributor, are diſabled to ſue in law or equity, to "be executor or adminiſtrator to any perſon, to take any

" legacy or deed of gift, and to bear any office in the realm, " and ſhall forfeit all their goods and chattels, and likewiſe all " their real eſtate for life. And where theſe errors are alſo " aggravated by apoſtacy or perverſion, where a perſon is re- " conciled to the ſee of Rome, or procures others to be recon- " ciled, the offence amounts to high treaſon. 2. Popiſh recu- " ſants convicted in a court of law of not attending the ſervice " of the church of England, are ſubject to the following diſ- " abilities, penalties, and forfeitures, over and above thoſe " before mentioned. They are conſidered as perſons excom- " municated; they can hold no office or employment; they " muſt not keep arms in their houſes, but the ſame may be " ſeized by the juſtices of the peace; they may not come " within ten miles of London on pain of 100*l.*; they can bring " no action at law, or ſuit in equity; they are not permitted " to travel above five miles from home, unleſs by licence, upon " pain of forfeiting all their goods; and they may not come to " court under pain of 100*l.* No marriage or burial of ſuch " recuſant, or baptiſm of his child, ſhall be had otherwiſe " than by the miniſters of the church of England, under other " ſevere penalties. A married woman, when recuſant, ſhall " forfeit two thirds of her dower or jointure, may not be " executrix or adminiſtratrix to her huſband, nor have any " part of his goods; and during the coverture may be kept " in priſon, unleſs her huſband redeems her at the rate of 10*l.* " a month, or the third part of all his lands. And, laſtly, as " a feme-covert recuſant may be impriſoned; ſo all others muſt, " within three months after conviction, either ſubmit and re- " nounce their errors, or, if required ſo to do by four juſtices, " muſt abjure and renounce the realm: and if they do not " depart, or if they return without the king's licence, they ſhall " be guilty of felony, and ſuffer death as felons without benefit " of clergy. There is alſo an inferior ſpecies of recuſancy, " (refuſing to make the declaration againſt popery enjoined by " ſtatute 30 Cha. II. ſt. 2. when tendered by the proper magiſ- " trate,) which, if the party reſides within ten miles of London, " makes him an abſolute recuſant convict; or, if at a greater " diſtance, ſuſpends him from having any ſeat in parliament, " keeping arms in his houſe, or any horſe above the value of " five pounds. This is the ſtate, by the laws now in being, of " a lay-papiſt. But, 3. The remaining ſpecies or degree, viz. " popiſh prieſts, are in a ſtill more dangerous condition. For, " by ſtatute 11 & 12 W. III. c. 4., popiſh prieſts or biſhops " celebrating maſs or exerciſing any part of their functions in " England, except in the houſes of ambaſſadors, are liable to " perpetual impriſonment. And, by the ſtatute 27 Eliz. c. 2.,

" any

" any popiſh prieſt, born in the dominions of the crown of " England, who ſhall come over hither from beyond ſea, " (unleſs driven by ſtreſs of weather and tarrying only a rea- " ſonable time,) or ſhall be in England three days without con- " forming and taking the oaths, is guilty of high treaſon: and " all perſons harbouring him are guilty of felony without the " benefit of clergy. This is a ſhort ſummary of the laws againſt " the papiſts under their three ſeveral claſſes, of perſons profeſſ- " ing the popiſh religion, popiſh recuſants convict, and popiſh " prieſts; of which the preſident Monteſquieu obſerves that " they are ſo rigorous, though not profeſſedly of the ſaguinary " kind, that they do all the hurt that can be poſſibly done in " cold blood. But in anſwer to this it may be obſerved, (what " foreigners, who only judge from our ſtatute books, are not " fully apprized of,) that theſe laws are ſeldom exerted to their " utmoſt rigour: and indeed, if they were, it would be very " difficult to excuſe them; for they are rather to be accounted " for from their hiſtory, and the urgency of the times which " produced them, than to be approved (upon a cool review) as " a ſtanding ſyſtem of law. The reſtleſs machinations of the " Jeſuits during the reign of Elizabeth, the turbulence and " uneaſineſs of the papiſts under the new religious eſtabliſh- " ment, and the boldneſs of their hopes and wiſhes for the " ſucceſſion of the queen of Scots, obliged the parliament to " counteract ſo dangerous a ſpirit by laws of a great, and then " perhaps neceſſary ſeverity. The powder treaſon, in the ſuc- " ceeding reign, ſtruck a panic into James I. which operated " in different ways: it occaſioned the enacting of new laws " againſt the papiſts, but deterred him from putting them into " execution. The intrigues of queen Henrietta in the reign of " Charles I., the proſpect of a popiſh ſucceſſor in that of " Charles II., the aſſaſſination-plot in the reign of king Wil- " liam, and the avowed claim of a popiſh pretender to the " crown in that and ſubſequent reigns, will account for the " extenſion of theſe penalties at thoſe ſeveral periods of our " hiſtory. But if a time ſhould ever arrive, and perhaps it is " not very diſtant, when all fears of a pretender ſhall have " vaniſhed, and the power and influence of the pope ſhall " become feeble, ridiculous, and deſpicable, not only in Eng- " land but in every kingdom of Europe; it probably would " not then be amiſs to review and ſoften theſe rigorous edicts; " at leaſt till the civil principles of the Roman Catholics " called again upon the legiſlature to renew them: for it ought " not to be left in the breaſt of every mercileſs bigot, to drag " down the vengeance of theſe occaſional laws upon inoffen- " ſive, though miſtaken, ſubjects; in oppoſition to the lenient

" inclinations of the civil magiſtrate, and to the deſtruction " of every principle of toleration and religious liberty.

" This has partly been done by ſtatute 18 Geo. III. c. 60. " with regard to ſuch papiſts as duly take the oath therein " preſcribed, of allegiance to his majeſty, abjuration of the " pretender, renunciation of the pope's civil power, and ab- " horrence of the doctrines of deſtroying and not keeping faith " with heretics, and depoſing or murdering princes excom- " municated by authority of the ſee of Rome: in reſpect of " whom only, the ſtatute of 11 & 12 W. III. is repealed, ſo far " as it diſables them from purchaſing or inheriting, or au- " thorizes the apprehending or proſecuting the popiſh clergy, " or ſubjects to perpetual impriſonment, either them, or any " teachers of youth."—" But now by the ſtatute 31 Geo. III. c. " 32." Mr. Chriſtian adds, " which may be called the toleration " act of the Roman Catholics, all the ſevere and cruel reſtrictions " and penalties, enumerated by the learned judge, are removed " from thoſe Roman Catholics, who are willing to comply " with the requiſitions of that ſtatute, which are, that they " muſt appear at ſome of the courts of Weſtminſter, or at " the quarter ſeſſions held for the county, city, or place " where they ſhall reſide, and make and ſubſcribe a declaration, " that they profeſs the Roman Catholic religion, and alſo an " oath which is exactly ſimilar to that required by the 18th " Geo. III. c. 60. the ſubſtance of which is ſtated above. On " this declaration and oath being duly made by any Roman " catholic, the officer of the court ſhall grant him a certificate; " and ſuch officer ſhall yearly tranſmit to the privy council, " liſts of all perſons who have thus qualified themſelves within " the year in his reſpective court. The ſtatute then provides, " that a Roman Catholic thus qualified, ſhall not be proſecuted " under any ſtatute for not repairing to a pariſh church, nor " ſhall he be proſecuted for being a papiſt, nor for attending or " performing maſs or other ceremonies of the church of " Rome; provided that no place ſhall be allowed for an " aſſembly to celebrate ſuch worſhip, until it is certified to the " ſeſſions; nor ſhall any miniſter officiate in it, until his name " and deſcription are recorded there; and no ſuch place of " aſſembly ſhall have its doors locked or barred during the " time of meeting or divine worſhip. If any Roman Catholic " is elected conſtable, church-warden, overſeer, or into any " parochial office, he may execute the ſame by a deputy, to " be approved, as if he were to act for himſelf as principal; " every miniſter who has qualified, ſhall be exempt from " ſerving on juries, and from being elected into any paro- " chial office; all the laws for frequenting divine ſervice on " Sundays,

" Sundays, ſhall continue in force, except where perſons attend " ſome place of worſhip allowed by this ſtatute, or the tole- " ration act of the diſſenters, 1 W. and M.; and if any perſon " diſturb a congregation allowed under this act, he ſhall, as " for diſturbing a diſſenting meeting, be bound over to the " next ſeſſions, and upon conviction there, ſhall forfeit twenty " pounds; but no Roman Catholic miniſter ſhall officiate in " any place of worſhip having a ſteeple and a bell, or at any " funeral in a church or church-yard, or ſhall wear the habits " of his order, except in a place allowed by this ſtatute, or in " a private houſe, where there ſhall not be more than five " perſons beſides the family. This ſtatute ſhall not exempt " Roman Catholics from the payment of tythes, or other dues, " to the church; nor ſhall it affect the ſtatutes concerning " marriages, or any law reſpecting the ſucceſſion to the crown. " No perſon, who has qualified, ſhall be proſecuted for in- " ſtructing youth, except in an endowed ſchool; or a ſchool " in one of the Engliſh univerſities; and except alſo, that no " Roman Catholic ſchoolmaſter ſhall receive into his ſchool the " child of any proteſtant father; nor ſhall any Roman Catholic " keep a ſchool until his or her name be recorded as a teacher " at the ſeſſions. But no religious order is to be eſtabliſhed; " and every endowment of a ſchool or college by a Roman " Catholic ſhall ſtill be ſuperſtitious and unlawful. And no " perſon henceforth ſhall be ſummoned to take oath of ſu- " premacy, and the declaration againſt tranſubſtantiation; nor " ſhall Roman Catholics, who have qualified, be removable " from London and Weſtminſter; neither ſhall any peer, who " has qualified, be puniſhable for coming into the preſence, " or palace of the king or queen. And no papiſts whatever " ſhall be any longer obliged to regiſter their names and eſtates, " or enrol their deeds and wills. And every Roman Catholic " who has qualified, may be permitted to act as a barriſter, " attorney, and notary."

Dissenters. In this claſs may be included, but merely to mention them, for they do not materially affect the community; thoſe ſectaries who deny the divinity of our bleſſed Saviour, and call themſelves Chriſtians, but acknowledge him only as a man. Theſe are comprehended in the general term *Anti-Trinitarians*, and include the reſidue of many ancient, as well as the body of many modern ſects; and under this leſs exceptionable denomination, the atheiſts, and other free-thinkers, as they call themſelves, are apt to enrol. The Anti-Trinitarians have ſeveral places of worſhip, and publiſh their tranſlations of the ſcriptures, and alterations of the book of common prayer,

without fear of ſtatutes, which the indulgence of modern times renders obſolete.

PRESBYTERIANS. The kirk of Scotland is, properly ſpeaking, the only body of regular Preſbyterians in Great Britain. The preſbyterians, as to doctrine, agree with the church of England: their chief difference lies in the point of diſcipline, viz. who ſhall appoint the governors of the church, and what ſubordination ſhall or ſhall not be between them? The Preſbyterians allow of no hierarchy, no ſubordination in the perſons of their miniſters; biſhops and prieſts, they maintain, in the time of the apoſtles, were the ſame; and therefore, though they allow epiſcopacy as now ſettled in the church of England, to be very ancient, yet they deny it to be of divine authority. In lieu of a ſeries of miniſters one over another, in quality of prieſts, biſhops, and archbiſhops, their polity conſiſts in a ſeries of aſſemblies, or ſynods: thus every miniſter is to be obedient to the claſſis under which he lives; and that claſs to a ſynod, provincial, caſſical, or oecumenical. The power of ordination, with them, reſides in a claſſis; and none are admitted to adminiſter the ſacrament, but thoſe ordained by the impoſition of hands of other miniſters. They make uſe of deacons to take care of their poor; and in the government of the church, call in lay elders.

INDEPENDENTS. Theſe perſons carry the doctrine of ſeparation further than Preſbyterians; they deny, not only any ſubordination among their clergy, but alſo all dependency on any other aſſembly. They maintain, that every ſeparate church, or particular congregation, has in itſelf radically and eſſentially every thing neceſſary for its own government; that it has all eccleſiaſtical power and juriſdiction; and is not at all ſubject to other churches or their deputies, nor to their aſſemblies or ſynods. Though the independents do not think it neceſſary to aſſemble ſynods; yet, if any be held, they look on their reſolutions as weighty and prudential counſels, but not as deciſions to be peremptorily obeyed. They agree, that one or more churches may help another church with their advice and aſſiſtance, and even reprove it when it offends; provided they do not pretend to any ſuperior authority or right to excommunicate, &c. In matters of faith and doctrine the independents agree with the reſt of the reformed; ſo that the difference is rather political than religious. This ſect ſprung from the Brownifts, a very ancient claſs of Puritans, founded in 1580, by a learned man called Robert Brown, who afterwards renounced his errors, was reconciled to the Church of England, and died rector of a church in Northamptonſhire.

BAPTISTS.

BAPTISTS. This is a general term, including all the ſectaries who renounce pædobaptiſm, or the chriſtening of infants, and reſerve thoſe who are born in their ſects till they become adults, or inſiſt that converts ſhall be baptized again. This re-baptiſm is the origin of the moſt ancient of their titles *Anabaptiſts*, but ſome ſubdiviſions of their ſects do not think this neceſſary. There were *Anabaptiſts* even in the primitive church; that is, heretics who baptized a ſecond time: ſuch were the Novatians, Cataphrygians, and Donatiſts. There were alſo in the third century ſeveral catholic biſhops in Aſia and Africa, who held the baptiſm of heretics invalid; and therefore re-baptized ſuch as were converted to orthodoxy. But theſe ancient Rebaptiſts were not called Anabaptiſts. In the twelfth century, the Waldenſes, Albigenſes, and Petrobruſſians, are alſo recorded as of the ſame belief; but neither was the denomination given to them. It was firſt applied to a ſect of Proteſtants, who appeared in the ſixteenth century, but their founder is not aſcertained. In the time of Luther they roſe in great force in Suabia, and under pretence of eſtabliſhing the kingdom of Chriſt on earth, committed ſuch outrages, that Luther invited all the world to take arms againſt them as fanatics who abuſed the word of God, and Calvin wrote in refutation of their doctrines. Their violence in time ſubſided, their numbers have been rather increaſing than diminiſhing in England, and among their teachers have been ſome worthy and learned men.

QUAKERS. Theſe people appeared in England during the interregnum, their founder being George Fox, an illiterate perſon, born at Drayton, in Leiceſterſhire; and by trade a ſhoe-maker. The accounts of thoſe times tell us, that as he wrought at his trade, he uſed to meditate much on the ſcriptures; which, with the ſolitary courſe of life, improving his natural melancholy, he began at length to have viſions: and, in conſequence, ſet up for a preacher. He propoſed but few articles of faith; dwelt moſtly on morality; preached mutual charity, the love of God, and a deep attention to the inner motions and ſecret workings of the ſpirit. He would have a ſimple worſhip, and religion without any ceremonies; making it a principal point to wait in profound ſilence, the motion and direction of the Holy Spirit. The genius of the times, the novelty of the doctrine, and the great appearance of devotion in the man, ſoon gained him diſciples; and ſome unuſual ſhakings and convulſions with which they were ſeized at their firſt meetings, procured them the appellation of *Quakers*. They profeſs a great auſterity of behaviour; a ſingular probity and uprightneſs in their dealings; a demureneſs and gravity of countenance; a coldneſs and ſparingneſs of diſcourſe, to have

time to weigh what they ſay; a great deal of frugality in their tables, and of plainneſs in their dreſs. They abhor war, even for ſelf-defence, take no oaths on any account, have no clergy or form of prayer, but every one, male or female, at their meetings, on feeling what is termed a motion of the ſpirit, riſes and delivers ſuch ſentiments as proceed from the temporary inſpiration; they marry without prieſt or magiſtrate, in a form of their own, which gives the compact publicity and authenticity, and they refuſe the ordinary civilities of ſociety, ſuch as drinking healths, being uncovered in public places, titling thoſe whom they addreſs, Sir, or Madam, but uſe inſtead, the word *neighbour*; and they do not adopt the polite mode of calling a ſingle perſon *you*, but adhere to *thou* and *thee*. It is alſo a principle among them, that they ought not, without compulſion, to pay tythes, church rates and dues, or any taxes laid for the mere purpoſe of carrying on war. Their doctrines in matters purely religious are ſpeculative, but in no reſpect immoral or noxious, and their ſocial diſcipline, by monthly, quarterly, yearly, and other meetings, has not been cenſured. In the early days of their formation they were accuſed of ſome exceſſes, but in latter times, they have been remarked for an eaſy and orderly compliance with all the regulations of ſociety. Their ſcruples reſpecting taxes and rates are conquered by the ſlighteſt appearance of force, and they permit their hats to be taken off in courts of juſtice, and other places without reſiſtance. The legiſlature, in conſideration of their ſcruples, allows their *affirmation* to be taken inſtead of an oath, in all but criminal caſes; they have all the benefits of the act of toleration, and their weddings are allowed to be valid.

Moravians. This ſect began in Bohemia and Moravia: its origin is aſcribed to Count Zinzendorf, a German nobleman, who died in 1760; the Moravians have alſo been ſtyled Hernhutters, from the name of the village where they firſt ſettled, and term themſelves *unitas fratrum*, or united brethren, and claim a much more ancient origin than the times of Count Zinzendorf. Their principles and mode of worſhip are rather open to the cenſure of extravagance; but not repugnant to the doctrines of the Church of England, and their zeal, in ſpreading Chriſtianity through the regions of America, procured from the Britiſh parliament 22 Geo. II. c. 30. an act expreſsly in their favour. It provides that their ſolemn affirmation ſhall be taken inſtead of an oath, but not to qualify them to give evidence in criminal caſes or ſerve on juries.

Methodists. This ſect, now divided into many ſchiſmatic fractions by the views and tempers of their leaders, originated in the year 1729, at the univerſity of Oxford, among ſome young men,

men, who ſtudied with care the ſcriptures in their original tongue. Theſe individuals formed ſeparate parties, and, relying on their talents to obtain popularity, and their induſtry to increaſe their proſelytes, ſpread with wonderful celerity the influence of their doctrines, not only over the Britiſh metropolis, but all parts of the Britiſh dominions. Their diſtinguiſhing principles are, ſalvation by faith without the aid or evidence of good works; and perceptible and even inſtantaneous converſion, with an aſſurance of reconciliation to God, which they term the *new birth*. This ſect was never in hoſtility with the church of England, and its eſtabliſhments not excluding the profeſſors from any aſſociation with it, neither penalty nor encouragement has attended their progreſs. The zeal and activity of the teachers have been found uſeful in diſſeminating Chriſtianity where it was never received before, or at beſt had fallen into oblivion through neglect; but the violence of their doctrines, increaſed in its effect by the coarſeneſs of ſome illiterate itinerants, aſſuming to be teachers on the credit of a pretended new birth, has been the cauſe of conſiderable evils, and brought on the ſect in general no ſlight animadverſions. The moderate doctrines of Methodiſm, far from being repugnant to, have been profeſſed by many diſtinguiſhed divines of the church of England, and the better and more diſtinguiſhed among the Methodiſts have had ſupport, applauſe, and commemoration, from eminent, learned, and worthy men.

Theſe are in importance the chief, but not in name any conſiderable portion of the ſects of Chriſtians known in England. Some of them are loud and vehement in complaints againſt the teſt and corporation acts, deſcribing the privation of office for non-conformity as a ſpecies of perſecution; yet, in fact, the toleration they enjoy is greater, and the reſtraints they labour under are leſs than in any other country which has an eſtabliſhed church. The rule which has guided, and is illuſtrated by the condeſcenſion of our legiſlators, in this reſpect, is admirably expreſſed by the author from whom a preceding paſſage is derived. "Our anceſtors," ſays Blackſtone, "were cer-
"tainly miſtaken in their plans of compulſion and intolerance.
"The ſin of ſchiſm, as ſuch, is by no means the object of
"temporal coercion and puniſhment. If through weakneſs of
"intellect, through miſdirected piety, through perverſeneſs and
"acerbity of temper, or (which is often the caſe) through a
"proſpect of ſecular advantage in herding with a party, men
"quarrel with the eccleſiaſtical eſtabliſhment, the civil magiſ-
"trate has nothing do with it, unleſs their tenets and practice
"are ſuch as threaten ruin or diſturbance to the ſtate. He is
"bound indeed to protect the eſtabliſhed church: and, if this

" can be better effected by admitting none but its genuine " members to offices of truſt and emolument, he is certainly at " liberty ſo to do; the diſpoſal of offices being matter of favour " and diſcretion. But, this point being once ſecured, all per- " ſecution for diverſity of opinions, however ridiculous or " abſurd they may be, is contrary to every principle of ſound " policy and civil freedom. The names and ſubordination of " the clergy, the poſture of devotion, the materials and colour " of the miniſter's garments, and other matters of the ſame " kind, muſt be left to the opinion of every man's private " judgment."

GENTRY.

In this claſs are comprized the knights of the four orders, baronets, knights, eſquires, and gentlemen, with a view of the nature and objects of heraldry, and the eſtabliſhed gradations of precedency.

Military Orders. A military order is a brotherhood, fellowſhip, or aſſociation of a certain number of actual knights, ſubjected to a ſovereign or great maſter, united by particular laws and ſtatutes peculiar to that ſociety. The companions are admitted with certain ceremonies, ſworn to the obſervance of the ſtatutes, and diſtinguiſhed by ſome particular habits, enſigns, badges, or ſymbols, which uſually give denomination to the order. The vacancies are, from time to time, ſupplied by nomination or election, for which, and ſeveral other ends and purpoſes, the members are obliged to aſſemble and hold chapters. The commencement of any military order cannot be traced beyond the twelfth century: the religious are of a more early date than the civil military, and owe their origin to the cruſades; but both were, in all probability, inſtituted on the ſame proſpect and deſign, which might be the giving mutual aids and ſupports in war, either againſt the enemies of religion, or againſt the foes of the ſovereign. The great ſucceſs of the religious orders againſt the infidels, might probably encourage and excite princes to erect military for their own particular defence and ſecurity; for the founders were famed for their military enterprizes and warlike policy; and inſtitutions were framed at critical periods, when the ſovereigns or founders were either making preparations for, or actually engaged in, hoſtilities: in fact the ſtatutes of the reſpective orders contain expreſs articles, which, in ſubſtance, though in different terms, require aſſiſtance to be given in war to the grand maſter at all events, accompanied generally with the ſtricteſt prohibition from bearing arms againſt any member of the ſociety.

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For this reaſon monarchs have permitted the weight of their diſpleaſure to fall on their homagers or ſubjects for accepting foreign orders without their permiſſion, while ſome have, in old times, been very ſolicitous to get their names enrolled in the military orders of their powerful contemporaries, and others have ſhewn great addreſs in evading propoſitions to that effect, which would involve them in burthenſome and unprofitable alliances.

The military orders of knighthood in England are thoſe of the Garter, the Thiſtle, the Bath, and Saint Patrick.

GARTER. This is generally acknowledged to be the moſt dignified military order in Europe, though the motives, and preciſe time of its eſtabliſhment are not agreed on, and many fables have obtained currency reſpecting the origin of its name, and diſtinguiſhing appendage. The obſcurity attending theſe ſubjects is aſcribed to the loſs of the original ſtatutes, and of the ancient regiſters and annals, while the ſilence of contemporary writers, and the great diſtance of years, have left modern authors full ſcope for conjecture.

With reſpect to the era of its firſt formation, authors differ on various accounts; ſome following the romantic diſpoſition of former ages, aſcribe it purely to king Arthur; and, giving credit to all the extravagant exploits imputed to him, repreſent the garter as a mere revival of the round table, which he was ſuppoſed to have eſtabliſhed at Caerleon. Others attribute the deſign, at leaſt, if not the perfection of the order, to the brave Cœur de Lion, during his wars in Paleſtine, but the tradition on which they rely wants foundation, and is diſgraced by circumſtances evidently fictitious. There is however no doubt that the order now ſubſiſting was founded at Windſor, by Edward III., though it is not agreed whether the date was in the eighteenth or twenty-third year of his reign. This monarch, a warrior, patriot, and man of genius, deviſed this excellent mean of inflaming the valour and increaſing the attachment of his ſubjects, and of captivating the good will of many foreign potentates, at the moment when he was preparing to acquire immortal renown, or forego all he poſſeſſed by a hazardous enterprize on the crown and kingdom of France. The mere diſtinction of knighthood was, at that time, grown too common, and therefore it was well judged to inſtitute an order more than barely chivalric, yet leſs than noble; expenſive to the poſſeſſor, yet not to be derived, as the fees on ordinary knighthoods were, from the feudal tenants under the name of an aid; and which ſhould for ever afford to the ſovereign, on vacancies, an opportunity of gracing the valiant or advancing the wiſe, without augmenting the number of hereditary counſellors,

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or granting any tranſmiſſible honours. In meditation of ſuch an undertaking, a king ſo wiſe as Edward would not omit to avail himſelf of every circumſtance which might render his new dignity not only precious but venerable. If Richard I. really projected a ſimilar meaſure, the tradition muſt have been at that time ſtrong and lively, and nothing could render the monarch and his order more popular than an apparent adherence to the plan of that illuſtrious hero, whoſe memory was ſtill adored, and whoſe example ſtill emulated by the honourable and the brave. The tales of king Arthur too were at that time amply recorded, and implicitly believed, and as that of the round table was among the foremoſt, Edward could not offer a more gracious tribute to thoſe who conſidered glory as connected with antiquity, than by renewing the ceremonies aſcribed to thoſe times, when the body of truth can hardly be diſtinguiſhed from the ſhadow of fiction, and the very labour of inveſtigation and incertitude of deduction endear to the inquirer tranſactions, habits, and circumſtances reſpecting which he would otherwiſe be utterly indifferent.

With reſpect to the date of the inſtitution, thoſe who place it in 1344, rely on the authority of Froiſſart, a contemporary hiſtorian who dedicated this portion of his hiſtory to the queen of Edward III. The means of aſcertaining the exact date are loſt by the deſtruction of the firſt records of the garter, but the authority of Froiſſart is not exempt from doubt, as he mingles in his poetical narratives many romantic fictions; and as he was not born till the year 1337, muſt have written from tradition, or the information of others. Nor is the dedication of his book any concluſive proof, for as Mr. Hume, in queſtioning his aſſertion on another point, juſtly obſerves, "it is a "miſtake to imagine that the patrons of dedications read the "books, much leſs vouch for all the contents of them."

Thus much as to the validity of Froiſſart's poſitive teſtimony; but whoever, conſulting the hiſtory of the times, views the ſtate of Edward and of England, in 1344, and compares it with the circumſtances of both in 1349, will clearly diſcern where all reaſonings drawn from probability muſt fix their preference. In 1344, Edward had been rather foiled than ſucceſsful in all his attempts on the continent, the nation was diſtreſſed and diſpirited by the weight of taxes impoſed on them to ſupply reſources for his unproſperous expeditions; the clergy had been but recently in hoſtility with him on account of his proſecution of John Stratford, the archbiſhop of Canterbury; he was on the point of breaking a truce concluded for his advantage and violated for his convenience; foreign powers, regarding his attempts on France with hoſtility or with

deriſion,

deriſion, were not to be tempted with any ſhew of honour that he could make, to unite with him in the ſtrict tie of military brotherhood, nor could he, involved in debts which bore "a "conſuming intereſt," and receiving a limited, though liberal ſupply from parliament, diſſipate that ſum, or conſume his valuable time in an expenſive and ceremonious inſtallation. One other circumſtance merits ſome regard: his heroic ſon, Edward the Black Prince, was not, in 1344, of age to receive the honour of knighthood, nor did he in fact receive it till 1346, juſt before the ever memorable battle of Crecy. In 1349, Edward's glory was at an unexampled pitch; the battle of Crecy, the capture of Calais, the ſubjugation of Scotland, and the immenſe plunder acquired by all perſons in his army, made him popular at home, formidable abroad, wealthy himſelf, and ſurrounded by gallant and opulent warriors; this then was the time for him to ſet to Europe the example of eſtabliſhing a ſumptuous and honourable military order *. To this end then he iſſued a proclamation, inviting foreign knights to his court, promiſing them ſafe conduct, and diſplaying at Windſor all the glory of his ſucceſs, and in the attire of himſelf, his queen, and his courtiers, all the pomp which could be derived from the ſpoils of war.

Taking even 1350, the moſt modern date aſſigned to this eſtabliſhment, it precedes, by long intervals, all other orders now ſubſiſting in Europe; it is 119 years before the foundation of St. Michael, by Lewis XI. king of France, in 1469, eighty years before the inſtitution of the order of the Golden Fleece, by Philip II. duke of Burgundy, in 1430; one hundred and ninety years before James V. of Scotland, formed the order of Saint Andrew, or the Thiſtle; and 209 years before the order of the Elephant was inſtituted in Denmark.

The general motives of this order were the eſtabliſhment of a ſelect, well-born, military brotherhood in ſupport of the crown, and advancement of diſcipline, to which were added thoſe ſo uſual in every ſyſtem partaking in the nature of chivalry, the fortifying of the faith, the maintenance of right and juſtice, and the defence and honour of the ladies. Tradition indeed aſcribes its formation to the fair ſex, and that not merely in general terms, but by the narration of ſeveral fables, ſuch as thoſe of the queen, or the counteſs of Saliſbury, the king's miſtreſs, dropping a garter at a ball; or of its being inſtituted

* The authenticity of Froiſſart in this date is much inſiſted on by Mr. Anſtis in his regiſter of the order of the Garter, but perhaps the whole difference a ſes from a ſlip of the pen or the negligence of a tranſcriber of Froiſſart, who has taken the Roman numerals xlix for xliv, a miſtake which might very eaſily be made in any MS. of the time of Froiſſart.

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in memory of a certain queen Periſcelide; which have been vouched by grave authors, and no leſs gravely diſproved; while others have endeavoured to derive this Chriſtian inſtitution from the myſteries of the Cabiri. It is however certain, that the robes of the order have been frequently diſtributed as of right to ladies, as well widows as conſorts; and even when they had married noblemen who were not of the order.

In this honourable fraternity have been included, beſide the ſovereigns and princes of England, eight emperors of Germany, five kings of France, three kings of Spain, one king of Arragon, ſeven kings of Portugal, one king of Poland, two kings of Sweden, ſix kings of Denmark, two kings of Naples, one king of Sicily and Jeruſalem, one king of Bohemia, two kings of Scotland, and forty other ſovereign princes. Theſe illuſtrious acceptances are only contraſted by one refuſal, which was that of Philip, duke of Burgundy, in the ſecond year of Henry VI., and his motive was purely conſcientious, "leſt he ſhould be "obliged to break either the ſacred ſtatutes of this order or "the rights of kindred." Motives ſimilar to this have produced reſignations, but the inſtances are by no means frequent, and ſuch an act by a ſovereign has been deemed an abſolute renunciation of all friendſhip and amity. Several knights have been depoſed for conduct unworthy of the order, or for want of that fidelity and attachment to the ſovereign to which they were bound by their oath at the time of inſtallation.

Statutes for the eſtabliſhment and regulation of this order, have been frequently made and reviſed; they have formed the model for thoſe of moſt other inſtitutions of the ſame nature, and it is by a conſideration of them, and occaſional compariſon between thoſe now in force and thoſe of preceding times, that the moſt material points relative to the garter will be beſt underſtood.

At a ſolemn chapter, held at Weſtminſter in the ſeventh year of Edward VI., 17th March 1552, at which that pious and learned young monarch preſided, the ſtatutes of the order accumulated in many preceding reigns, underwent a complete reviſal. In the introduction to this work, the honourable, religious and patriotic motives, which influenced the firſt founders, and the ſucceſs of their efforts, were eloquently diſplayed; "but" it was ſaid "that old ſerpent Satan, a continual ad-"verſary to mankind, had ſo great envy hereat, for that he "eſpied it to be of all men both in our own and foreign "countries much commended, that he buſily laboured to de-"face, and utterly to deſtroy ſo great an encouragement and "occaſion of virtue; and this he did ſo much the rather, when "he ſaw ſo many valiant men, ſtirred with deſire of this "honour

" honour to the attaining of perfect and abſolute virtue. " Whereupon ſo far forth he went ſubtilly blinding men's eyes " upon hope of prey, that at length he filled and ſtuffed the " very ſtatutes and ordinances of this fellowſhip, with many " obſcure, ſuperſtitious, and repugnant opinions. We there- " fore, to defeat this ſo great malice of that ſubtle enemy, " have been greatly moved by the ancientneſs, majeſty, and " very godlineſs of this order, ſo that we thought all our " ſtudy, labour and diligence to be well beſtowed in reducing " the ſame to its original eſtate and priſtine foundation."

Whatever ſhare the old ſerpent may have had in depraving the ſtatutes of the garter, the complaint itſelf was not ill founded, for they were diſfigured by ſo many ſuperſtitions reſpecting the Trinity, the Virgin Mary, Saint George, and other eccleſiaſtical matters, that if ſuch modes had been perſevered in, the inſignia would rather have reſembled an amulet than a military honour. The ſtatutes of Edward VI. then ordain.

1. " That the order ſhall be called the Order of the Garter, " and not of Saint George, leſt the honour due to God might " ſeem to be given to any creature.

" The number of the knights was declared to be twenty- " five, beſide the ſovereign, being all gentlemen born, and " without reproach."

In this regulation an alteration was made in the year 1786, when a ſtatute was iſſued by the ſovereign at a chapter at St. James's, enlarging the number by allowing the addition of the ſons of the ſovereign, excluſive of the number twenty-five.

2. *The Sovereign.* " The king, and his heirs and ſucceſſors " being kings, are to be ſovereigns of the order, as has ever " been heretofore; to whom alſo the declaration, interpre- " tation, definition, and, as the matter ſhall require, the cor- " rection of the ſtatutes ſhall always belong, having thereto " the conſent of ſix of the order at the leaſt.

" In caſe of death of any of the order, the king's letter " iſſues to the remainder being in the realm, or to ſo many " of them as he thinks fit, but not leſs than ſix, command- " ing them to attend him at ſuch time and place as he ſhall " appoint for the election."

" It is the privilege of the ſovereign to diſpenſe with the " ceremonies, as cauſe may require, or give licence for their " omiſſion."

The privileges reſerved to the ſovereign in this diviſion, rightly belong to him as the fountain of honour; the limitation of the ſovereignty to the heirs and ſucceſſors of the king, being kings, is indiſpenſable in the nature of knighthood, hence it

it is, that in the arms of queen Anne, inſtead of the words, *Honi ſoit qui mal y penſe*, the motto of this order, the words, *Semper eadem* are inſerted.

3d. *The Order*, "None ſhall be admitted into this fellow-"ſhip, except he be a gentleman of blood of the father's ſide, "from three deſcents, and bearing arms, and ſhall be alſo of "the order of knighthood before his election, without due re-"proach of all manner of ſhameful acts and deeds."

In the ſtatutes made in the 11 Henry VIII., it was ordained both by father's and mother's ſide, and the term "without re-proach" was explained to ſignify: 1ſt, Being exempt from conviction or attainder of hereſy, or error againſt the Catholic faith, or the undergoing of any penalty or public puniſhment for ſuch offence; 2d, From attainder or conviction of high treaſon; and 3d, Any knight departing or fleeing from battle, or journey; being in company with his ſovereign, or lieutenants, or others, where banners, ſtandards, or pennons had been diſplayed, and they had proceeded to fighting; was to be adjudged a knight with reproach, not only incapable of being elected, but if already of the order, he was to be deprived and degraded.

"In caſe of vacancies, the ſovereign and the knights of the "order, in number at leaſt ſix, being aſſembled in their robes, "every one of them ſhall write the names of nine worthy per-"ſonages, firſt three of princes, that is to ſay, of emperors, "kings, arch-dukes, dukes, marquiſſes, or earls; three of "viſcounts, barons, or lords; and three of bannerets, or "knights bachelors, which being ſo written and preſented to "the ſovereign, according to the accuſtomed manner, his ma-"jeſty ſhall chooſe out of them whom he thinks moſt worthy "of the place void, and if he or they who ſhall be "choſen ſhall be there preſent; two knights of the order "ſhall lead him or them into the place where the ſovereign "is, the one after the other according to their honours and "place, and his highneſs ſhall put about his neck a collar, or "little chain or lace, having a maſſy golden image of an arm-"ed knight ſitting on horſeback, compaſſed with a garter of "gold hanging thereat, in which garter ſhall be this ſentence "contained: *Honi ſoit qui mal y penſe*, which is the cognizance "of the order. And that done, two other companions of the "order ſhall faſten or tie the garter about his left leg, to whom "ſhall be delivered by the chancellor or his deputy, a book "of the ſtatutes of the order, ſigned with the ſovereign's hand, "which, after the death of the ſaid knight, muſt be reſtored "to garter king of arms."

4th. "When any foreign prince ſhall be choſen into this "order,

" order, the ſovereign ſhall ſend to him one of the knights of " the ſaid order, and garter the king of arms, with the ſtatutes " ſigned with the ſovereign's hand, and ſealed with the ſeal of " the order, who, after the end of common prayers uſed in that " country, ſhall put upon the perſons elected, the accuſtomed " robes and apparel of the order, that is to ſay: the mantle, " girdle, and the hood; alſo about his neck they ſhall put a col- " lar of gold wrought with roſes, having the order of the garter " hanging thereunto, and about his leg they ſhall tie the garter. " No foreign prince elected into this order ſhall be bound to " give any oath, or to perform the other ceremonies of the " order, unleſs they will themſelves, nor yet not to leave dur- " ing their lives the wearing of the image of St. George, " which they firſt received, but as it ſhall pleaſe them; but if " they think fit they may be ſworn to obſerve in all points, " from article to article, the ſtatutes of the order, as ſpecified " in the book."

5th. Reſpecting *deprivation*, it is declared: that, " whoſoever " ſhall be convicted of any capital offence, or ſhall be known " cowardly to have turned their face from the enemy in battle, " or ſhall be ſpotted with any capital crime, though he eſcape the " pain of death, or have been received into this company for " lack of knowledge of his ſtock and lineage, according to the " ordinance above expreſſed, and ſhall be afterward duly prov- " ed no gentleman, ſhall be removed and expelled from this " order and fellowſhip. When a knight is degraded, the " uſher *alias* provoſt of this order, by the appointment and " commandment of the ſovereign, ſhall firſt of all arreſt the " knight convict with his black rod, and afterwards, he with " the king of arms aſſociate with him, or one of them, being " thereto authoriſed by the king, ſhall take away from him the " collar and garter of the order. Provided always that no " ſuch arreſt be executed on any of the ſaid company or " fellowſhip, without firſt the ſame be conſulted upon at a " chapter holden in the preſence of the ſovereign, and there " concluded with the number of ſix at leaſt of the order. " After *garter* the king at arms has declared openly his offence, " being treaſon or hereſy, at Windſor, according to the " accuſtomed manner, one of the heralds of arms ſhall throw " down his hatchments hanging over his ſeat there, and con- " temptuouſly ſpurn them with his feet (as he may) out of " the chapel, by which fact he ſhall be taken ever afterwards " for a perſon degraded and quite deprived of this order. " The name of a knight of the order condemned of treaſon, " being entered into the regiſter book of the order, ſhall after-

" wards

" wards have this note in the margin, over againſt the place " where the name ſhall be written *Vah traitor!* the name " nevertheleſs remaining unput out;" and the ſentence of degradation is pronounced by garter king of arms, according to a preſcribed form.

The remaining ſtatutes relate to the feaſt, apparel, and officers of the order, which will be treated of ſeparately.

The habiliment of a knight is characterized by his garter, ſurcoat, mantle, George or collar, cap and plume. The dreſs of the order, conſiſts of ſmall clothes after the antique faſhion, and as they were generally worn in the reign of Henry VIII., of white and ſilver tiſſue, with ſtockings of white ſilk, which being very long and joining the breeches, are called pantaloons. They are worn with one garter only, which is dark blue, the motto *Honi ſoit qui mal y penſe*, is embroidered in letters of gold: it is fixed between the left knee and calf of the leg, and while it is being put on at the time of inveſtiture, the knight is admoniſhed in theſe terms: " To the honour of " God omnipotent, and in memorial of the bleſſed martyr St. " George, tie about thy leg, for they renown, this noble gar- " ter; wear it as the ſymbol of this moſt illuſtrious order, " never to be forgotten or laid aſide, that thereby thou mayeſt " be admoniſhed to be courageous; and having undertaken a " juſt war, in which thou ſhalt be engaged, thou mayeſt " ſtand firm, valiantly fight, and ſucceſsfully conquer." It is alſo ordered by the ſtatutes that no knight ſhall go abroad without this badge, except when he rides booted, on pain of forfeiting a noble.

The collar, or as it is generally called, the order, does not appear to have been an original ornament, though from its compoſition, a ſeries of S. S. to which is appended the image of St. George overcoming the dragon, it has been inferred that it was deſigned by Edward III., in honour of the counteſs of Saliſbury. But it appears that collars in this form were commonly worn by the nobility and their retainers, long before and after the eſtabliſhment of the garter, and there is no ſufficient reaſon for ſuppoſing that it was affixed to the knights of this claſs, till the reign of Henry VII. It is now placed on the knight at his inveſtiture by the ſovereign himſelf, and the following admonition is pronounced: " Wear this ribband, " adorned with the image of that bleſſed martyr and ſoldier " of Chriſt, Saint George, by whoſe imitation provoked, thou " mayeſt ſo overpaſs both proſperous and adverſe adventures, " that having ſtoutly vanquiſhed thy enemies, both of body " and ſoul, thou mayeſt not only receive the praiſe of the tran- " ſient combat, but be crowned with the palm of eternal vic-

" tory." This ornament now contains twenty-ſix garters enamelled, and as many knots, alluding to the ſovereign of the order, and his twenty-five knights-companions. It conſiſts of two different links alternately combined together: on the firſt is a red roſe in enamel, which is ſurrounded with a blue enamelled garter, upon which appears the motto, in letters of gold. The ſecond link is the ſame in every reſpect; ſave that the roſe in the centre is of white enamel. Theſe links are united with *Lacs d'amour*, or, true lovers knots; and from the middle of the collar, is ſuſpended the effigy of St. George on horſeback, in armour, encountering the dragon with a tilting ſpear; which medal, being of pure gold, is often enriched with jewels. By the ſtatutes of the order, the collar ought to weigh thirty ounces, troy weight. Until the reign of Charles II., the ribband with the leſſer George, uſed to be worn round the neck, but he ordered it in future to be worn from the left ſhoulder, coming under the right arm. And the ſame king ordered, that the ſovereign, the knights-companions, the prelate, and chancellor of the order, ſhould at all times, in all places and aſſemblies, when not adorned with their robes, wear on the left ſide of their coats, cloaks, or riding caſſocks, the croſs of the order, encompaſſed with the garter, to ſhew the world the height of honour to which they were arrived; and to the croſs and garter, he added a ſilver ſtar of eight points to be worn by the knights on their left ſides; and by the ſtatutes of the order, they are never to appear in public without their garter, leſſer George, and ſtar, except on the principal and ſolemn feaſts, when they are to wear their collars.

The inſtallation was ever a ceremony of great magnificence, and the good taſte and liberality of the preſent ſovereign have rather enhanced than diminiſhed its ancient ſplendour. It takes place at Windſor, when the knights-companions attend in the full habit of the order; the officers in their mantles, and the knights elect in the under habits of the order, with their caps and feathers in their hands. The under habits are theſe; the ſtockings and breeches as before deſcribed: on the outſide of the knee is fixed a knot of open ſilver lace and ribbands intermixed, in the form of a large roſe; and a little below the left knee, the garter. The ſhoes, being of white ſhammy, with red heels, have each a knot (as the former) on the exterior ſide. The doublet is cloth of ſilver, adorned before and behind, and down the ſleeves, with ſeveral guards, or rows of open ſilver lace, each lace having a row of ſmall ſilver buttons, ſet down the middle. The cuffs are open, and adorned with ſilver lace, like the ſleeves, and ribbands ſet in

ſilver loops. At the bottom of the upper ſeam of each cuff is fixed a knot of ſilver ribbands, that falls over the gloves, which are of kid, laced at the top with ſilver, and adorned at the opening with a knot, as on that of the cuffs. Then their trowſers, which are of the ſame cloth as the doublet, and adorned with two rows of lace and ribbands, as before mentioned, intermixed and ſet at ſmall diſtances, that the ground appears between them, being buckled round his waiſt, are in form of a pair of puffed breeches, reaching to the middle of the thighs.

A proceſſion is made from the preſence-chamber to the chapel, led by the poor knights, who are followed by the prebendaries of Windſor, the officers of arms, the knights elect, the knights-companions, and the officers of the order, in appropriate dreſſes. After certain ceremonies, the knights-companions and the ſovereign retire into the chapter houſe, where the knights elect are ſeparately introduced, received by the two junior knights-companions, and conducted to the table where the ſurcoat, girdle, and ſword are placed. The ſurcoat which is of crimſon velvet, lined with white taffety, is delivered by garter king of arms to the two ſenior knights, who inveſt with it the knight elect, while an admonition is read to him in theſe terms: "Take this robe of crimſon, to the increaſe of your honour, "and in token or ſign of the moſt noble order you have receiv-"ed; wherewith you being defended, may be bold, not only "ſtrong to fight, but alſo to offer yourſelf to ſhed your blood "for Chriſt's faith, the liberties of the church, and the juſt "and neceſſary defence of them that are oppreſſed and "needy."

After this, his ſword is girt cloſe about him, over his ſurcoat, with a belt the ſame as the coat, and then bearing in his hand his cap which is of black velvet, rather high with narrow brims, and adorned with a plume of white feathers, with a lemon ſprig in the middle, he proceeds to his inſtallation in St. George's chapel, being conducted between two knights-companions of the order, to the ſeat below his ſtall. At this place, garter king of arms has previouſly depoſited on a crimſon velvet cuſhion, laced and taſſelled with gold, the mantle, collar, hood, and book of ſtatutes; and the knight elect laying his right hand on the New Teſtament, the following oath is adminiſtered to him:

"You being choſen to be one of this honourable company, "of this moſt noble order of the garter, ſhall promiſe and "ſwear by the Holy Evangeliſts, by you here touched, that "wittingly or willingly you ſhall not break any ſtatute of the "ſaid order, or any articles in them contained, the ſame being "agreeable, and not repugnant to the laws of Almighty God,

"and

" and the laws of this realm, as far forth as to you belongeth " and appertaineth: ſo help you God and his holy word." As ſoon as he has taken this oath, he is conducted to his ſtall, and inveſted in the following manner: the mantle, lined as the ſurcoat, and made of ſky-coloured velvet, adorned on the left ſhoulder with St. George's croſs, encircled with the garter, wreathed on the edges with blue and gold; being put on him by the two knights that led him into the choir, is faſtened about his neck with a cord on a robe ſtring, made of the ſame coloured ſilk and Venice gold twiſted, the ends being made into large knots or buttons, encircled with a caul and fringe. And while the ceremony of the inveſtiture of the mantle (which is tied on the right ſhoulder,) is performing, the proper admonition is pronounced by the regiſter: " Receive this robe " of heavenly colour, the livery of the moſt excellent order, in " augmentation of thy honour, ennobled with the ſhield and " red croſs of our Lord, by whoſe power thou mayeſt ſafely " pierce troops of thy enemies, and be over them ever vic- " torious; and being, in this temporal warfare, glorious in " egregious and heroic actions, thou mayeſt obtain eternal " and triumphant joy." The hood, which is of crimſon velvet, and lined with white taffety, was formerly worn on the head; but the cap being ſubſtituted, it is now faſtened to the right ſhoulder over the mantle, to the tippet which comes athwart the breaſt, and tucks under the girdle.

The collar is put over the hood and mantle, and faſtened to the ſhoulders by a ſilver ribband, and an admonition adminiſtered, ſimilar to that which is pronounced, when the knight is inveſted with the ribband; when the cap and feather are put on the knight's head, he is completely inveſted; and, after divine ſervice, and ſeveral religious ceremonies, and offerings at the altar, the whole party, with trumpets ſounding, march to dinner, prepared for them in St. George's hall. The feaſt on this occaſion is always very ſumptuous; the knights are placed at it in the order of their ſtalls, and not of their rank in other reſpects.

At the inſtallation of a knight, his helmet, creſt, ſword, banner, and a plate containing his name and titles, are to be ſet over his ſtall in the chapel of St. George in Windſor caſtle, as a mark of honour, and are to remain during his being of that order. And, at all times and places, the arms of a knight-companion of the garter are to be encircled by the garter, with its motto.

By the ſtatutes of the order it is directed, that " When " garter ſhall ſet up at Windſor the hatchments of any knight " of this order newly choſen into the place of any deceaſed

" out of this life without condemnation of any crime, he ſhall, " before the ſetting up of the new hatchments, take down in " order, and that reverently, the banner, ſword, helmet, and " creſt of him that laſt deceaſed, in whoſe place the new doth " ſucceed, and ſhall, in the chapel, preſent the ſame one after " another to the dean, or in his abſence to the ſubdean, or " other of the principal canons there, with theſe words: 'Theſe " were the hatchments of a knight of this noble order, who " deceaſed his life ſuch a day.' Adding thereto this ſentence, " 'Bleſſed be the dead that die in the Lord;' which done, the " dean, or he to whom theſe hatchments ſhall be preſented, ſhall " enter in writing the ſame to be recorded by the regiſter, and " then ſhall garter ſet up the new hatchments."

" Every knight, within ſix months after his appointment to a " ſtall at Windſor, muſt cauſe a metal plate of proper ſize to be " engraven with his arms, and ſet up over his ſtall; and painted " ſcutcheons are yearly to be provided by garter king of arms, " in readineſs for celebration of the feaſt, whether his majeſty " ſhall be pleaſed to keep it or not. When any duke, marquis, " earl, viſcount, baron, banneret, or bachelor knight, being of " this order, dies, he that ſucceeds him, of what eſtate ſoever " he ſhall be, ſhall have only that ſtall which his predeceſſor " before had, neither ſhall he change it without ſpecial ap- " pointment of the ſovereign, unleſs he be an emperor or king, " or the prince of ſome realm, or of the blood royal, who ſhall " have always the ſtalls according to their ſtate next to the " ſovereign."

The fees of becoming a knight of the garter are fixed at eight hundred guineas.

The officers belonging to the order are,

The Prelate, a dignity which is inſeparably annexed to the biſhopric of Wincheſter.

The Chancellor, an office which has by long cuſtom been annexed to the ſee of Saliſbury, though not by any ſtatute rendered inſeparable from it. His duty is thus delineated in the ſtatutes: " It ſhall be the office of the chancellor, on the " ſovereign's commandment, to ſummon and give warning of " the chapter to be kept by the ſovereign and companions of " the ſaid order, and there to propound and put forth all ſuch " matters as are there to be conſulted of; he ſhall alſo be pre- " ſent yearly at the feaſt of the order if he be not ſick or " otherwiſe employed in the ſervice of the king's majeſty, and, " at the ſame time in the chapter-houſe, ſhall declare and " rehearſe as well the noble acts as the ſhameful deeds (if any " chance to be) of the companions and fellows of the order, to " the intent the regiſter of the order may, according to the

" ancient cuſtom, record and regiſter them in the chronicles " of the order. Furthermore, the chancellor, at the time of " the election of knights into the order, ſhall exhibit to the " ſovereign, with ſuch reverence as ſhall become him, the " names of thoſe that be in election taken in writing afore by " the regiſter. The chancellor ſhall alſo keep the great ſeal " and ſignet of the order, wherewith he ſhall alſo ſeal the " ſtatutes and decrees of the order, commiſſions, command- " ments, grants, certificates, and all other inſtruments pertain- " ing to the order upon the ſovereign's commandment; and if he " chance to depart from the ſovereign the ſpace of ſixty miles, " of known purpoſe, he ſhall deliver the ſaid ſeals to the ſove- " reign, or to any other appointed by the ſovereign. The " print and ſeal of the ſignet ſhall be of this ſort: the arms of " England and France together with the arms of the order " ſhall be therein graveſi, with this brief ſentence about it, " *Honi ſoit qui mal y penſe.* The chancellor's garment, which " he ſhall wear at the celebration of the feaſt, and at all other " ſolemn aſſemblies of the companions of the ſaid order, ſhall " be a ſide gown with ſleeves made of blue ſatin, and, for a " token that he is an officer of the order, he ſhall wear about " his neck, hanging by a lace or chain, a croſs of the order " with a red roſe in a white of gold, all compaſſed with a " garland of red and white roſes. Finally the ſaid chancellor " ſhall have, beſides his fee belonging to his office, a houſe at " Windſor, with allowance of meat and drink after the old " cuſtom."

The Regiſter. The regulation reſpecting him is, that "if an " eccleſiaſtical perſon, he ſhall be either a doctor of divinity or " of the civil law, but if a temporal man, he ſhall be a knight " and a gentleman of blood, of experience, and learning com- " mendable. His office ſhall be to be preſent at all aſſemblies " of the companions of the order, and at every election to write " the names of ſuch perſons as are named in elections; and " when he has ſo done, if the chancellor be abſent, to deliver " up the ſame with due reverence to his ſovereign or his lieu- " tenant. In the abſence of the regiſter, the dean, or the moſt " ancient canon or prebendary of Windſor college, ſhall ſupply " his place in that point for the time. The regiſter ſhall write " the day wherein any knight is made of this order, and the " time of his death. Alſo what ſtatutes are in force and what " repealed. Moreover, he ſhall chronicle and put in writing " the martial feats and valiant acts of the ſovereign and " knights of the order, with credit and memory, which by his " own induſtry, or by information of the chancellor or king of " arms, he has learned. For which purpoſe he ſhall prepare

" two great books or regiſters, one of which, always remaining " in the caſtle of Windſor, there to be kept by ſuch as ſhall " ſucceed in the office, ſhall be called the *regiſter of Windſor*; " the other, which the regiſter ſhall have always with him, in " readineſs in the court to be ſhewed the ſovereign when " he ſhall call for it, ſhall be called the *regiſter of the court*. " Furthermore, the regiſter ſhall yearly, at Whitſuntide, in " the beginning of the council or chapter, before the ſovereign " or his lieutenant, and other knights of the order there pre- " ſent, rehearſe all things done the year paſt belonging to the " order, noted faithfully by him, to the intent that, if any " thing be therein written amiſs or untruly, the ſame might be " revoked and amended. He ſhall always uſe the counſel and " advice of the chancellor in the writing and regiſtering of all " things appertaining to the order. The regiſter and dean of " Windſor ſhall have the collection and gathering of all ſuch " ſums of money as are appointed by the ſtatutes to be paid by " the knights of the order, and ſhall beſtow the ſame on the " poor, on mending of highways, and on other like charitable " deeds, which the ſovereign ſhall think meet. Of the receipt " and beſtowing of which ſums of money they ſhall make " account once yearly to the ſovereign, wherein, if they fail, " they ſhall forfeit twenty ſhillings to be employed in ſuch " ſort as the other money ſhall be. The regiſter's gown ſhall " be like the chancellor's, and he ſhall wear about his neck, " hanging by a lace, a red roſe, and a white of gold, one within " the other. He ſhall alſo have a houſe in the caſtle of Wind- " ſor, and meat and drink in ſuch ſort as has been heretofore " uſed, and alſo he ſhall have his accuſtomed fee, and of every " knight choſen into this company at the time of his inſtallation " thirty ſhillings.

The Uſher or Provoſt. Some of the authorities of this officer have already been mentioned in treating of him as gentleman uſher of the black rod. His quality, and thoſe duties which more particularly belong to the garter, are thus deſcribed in the ſtatutes: " The uſher or provoſt ſhall alſo be a gentleman " born and bearing arms, who if he be no knight at the time " of his entry into the office, he ſhall then be made knight. " Whenſoever the ſovereign and the reſidue of the knights of " this order meet together in concil to conſult of any matter " belonging to the order, he ſhall keep the outer door. Where- " ſoever the ſovereign or his lieutenant ſhall celebrate yearly " the feaſt of the order, the uſher or provoſt ſhall carry there " before him a black rod, or elſe, in his neceſſary abſence, ſome " other, appointed by the provoſt, being a fit man for the pur- " poſe, and allowed by the ſovereign. He ſhall execute his

" ancient

" ancient authority in degrading knights from this order in " ſuch ſort as is declared in the chapter of deprivation. For " the execution whereof he ſhall receive, of every one who " ſhall be ſo deprived, five pounds according to the accuſ- " tomed manner. But if he ſhall admoniſh any of the order " by the ſovereign's commandment and fellows of ſome ſmaller " fault by him committed, he ſhall then claim of the party ſo " admoniſhed but thirty ſhillings. The provoſt ſhall wear a " like gown as the chancellor and regiſter do, but he ſhall wear " about his neck, hanging at a lace, a red roſe and a white of " gold like the regiſter. Beſides his yearly fee he ſhall have a " houſe at Windſor, and meat and drink in like ſort as the " regiſter.

Garter King of Arms. The general duties of this officer will neceſſarily come under conſideration in treating of the herald's office. By the ſtatutes of the order it is declared, that " garter " the king of arms ſhall be, for the honour of the order, a " gentleman of blood as the reſt of the officers are, and of a " well known name and reputation, the ſame garter bearing " arms himſelf, and being born within the realm ſhall be head " and chief herald of all officers of arms within the ſaid realm. " His office ſhall be to take the names, ſurnames, and cogni- " zances of every knight choſen into this order, and to cauſe " the book wherein the ſame ſhall be written to be delivered to " his ſucceſſors. The ſaid garter ſhall make diligent inquiry " and ſearch for the noble and valiant acts of the ſovereign " and companions of the order, and ſhall thereof make true " report to the chancellor and regiſter, to the intent they may " be put in writing by the ſaid regiſter as aforeſaid. He ſhall " either convey by himſelf, or procure to be conveyed, all ſuch " letters as do belong to the order, and alſo ſhall ſignify to the " ſovereign, chancellor, or regiſter of the order, the death of " every knight, that there may be appointed a new election at " the ſovereign's pleaſure. Furthermore, he ſhall do, or cauſe " to be done, whatſoever the ſovereign, or chancellor in the " ſovereign's name, ſhall command him in things appertaining " to the order. Alſo the ſaid garter, or his deputy, ſhall mi- " niſter the oath to all officers of arms, for the which he ſhall " receive the accuſtomed fees. The ſaid garter ſhall have of " the ſovereign his yearly fee accuſtomed. Alſo he ſhall claim " and have as often as any duke, marquis, earl, viſcount, baron, " or knight, is made knight of this order, the uppermoſt gar- " ment that they ſo elected ſhall wear upon them. He ſhall " wear the apparel that he has been accuſtomed to wear, and " ſhall have meat, and drink, and houſe at Windſor, as in times " paſt has been the uſe."

All theſe officers are to attend the ſovereign and knights at the feaſts of the order and other meetings; and in proceſſions the provoſt and the king of arms walk together next before the ſovereign, and the chancellor and the regiſter next before them. When the knights of the order ſit in their ſtalls in the choir at Windſor, the ſaid officers of the order ſit on two forms ſet acroſs in the ſame place; on the one the chancellor and the regiſter, and on the other the provoſt and garter king of arms. Theſe miniſters, diſcharging their offices well, are, by the ſtatutes, declared always to be under the protection of the ſovereign, that is, they are kept and defended by him from all injuries and wrong offered them, and have all their cauſes of ſuits determined by the ſovereign without vexation in any other courts.

Before entering into their offices, they take an oath to obey the ſovereign and knights in all things appertaining to the order; to reveal no ſecrets mentioned in the chapter; to defend and maintain the dignity of the order, and reſiſt all attempts againſt it, or againſt the knights; and, laſtly, to do their reſpective duties without affection, favour, hate, or fear.

KNIGHTS OF THE THISTLE. This order was founded in 1540, by James V. of Scotland, who, being honoured with the order of the Garter by his uncle Henry VIII., with the Golden Fleece by the emperor, and the order of St. Michael from France, made this order for himſelf and twelve knights, in imitation of Jeſus Chriſt and his apoſtles. Then celebrating all the feſtivals of theſe orders, he ſet up their arms and badges over the gate of his palace of Linlithgow, joining with them thoſe of St. Andrew.

Some writers, ever fond of antiquity, not ſatisfied with the novelty of this inſtitution, affect to call it moſt ancient as to its derivation. But for this they have no better warrant than the dream of king Hungus the Pict, to whom St. Andrew making a midnight viſit, aſſured him of a victory over his foes the Northumbrians; and the next day, St. Andrew's croſs appearing in the air, he verified his promiſe, and the Northumbrians were defeated. On this ſtory, as they ſay, king Achaius, about the year 800, framed the order of St. Andrew 700 years before it was revived by James V. But as this narrative, in itſelf improbable, is unſupported by foreign teſtimonies or authors, and not vouched for, or even mentioned, by any contemporary, it is generally ranked as a mere fable.

James V. died in 1542, ſoon after he had founded and eſtabliſhed this order, which cauſed a temporary diſcontinuance of it; for it being about the time of the reformation, when religious diſputes ran to a great height, it was deemed impious to imitate in an order of knighthood our Saviour and his apoſtles;

nor

nor was this honourable order renewed till the 27th May, 1687, when James the ſeventh of Scotland, and ſecond of England, created eight knights. But the glorious revolution happening next year, no more knights were added till December 1703, when Queen Anne filled up the vacant ſtalls, according to the original ſtatutes of the order, to which ſhe added ſome new rules. In 1714, George I. confirmed the ſtatutes of Queen Anne, and enacted ſeveral more, particularly that of making rays of glory to ſurround the figure of Saint Andrew, which hangs at the collar; and, as elections and inſtallations were wanting, his majeſty ordered that chapters of election ſhould thenceforth be held in the royal preſence; and that the great wardrobe ſhould provide ſuitable mantles, and other veſtments, for the knights and officers of the order.

The enſigns are, the image of Saint Andrew in a purple robe, irradiated with glory, and veſted in cloth of gold, with the white croſs of martyrdom on his breaſt; it is appendant to the collar of the order, as worn by the knights on their feaſt day, (being the 30th of November,) and on other great occaſions.

The collar is made of gold, with thiſtles and ſprigs of rue linked together, enamelled green, being the two ancient ſymbols of the Scots and Picts; the one not to be handled without being hurt, and the other an antidote againſt infection. Hence the motto, *Nemo me impune laceſſet.* The arms of the knights companions are enriched with the motto.

The common badges worn by the knights are, a croſs ſurmounted by a ſtar of four ſilver points, and over them a green circle, containing the motto in letters of gold, and in the centre is a thiſtle proper; the whole being embroidered on the left breaſt. This badge, and the collar are always worn with the other enſign, which is a green ribband ſpread over the left ſhoulder, and brought under the left arm, pending to which is the ſame motto; but ſometimes the knights wear a thiſtle crowned, encircled after the ſame manner.

King James appointed the knights to wear the image of Saint Andrew, pendant to a blue ribband; which continued ſo till Queen Anne changed it for that of green, as it is now worn.

The officers belonging to this order are, a dean, a ſecretary, Lion king of arms, and gentleman uſher of the green rod.

KNIGHTS OF THE BATH. The knighthood of the Bath, that is, the ceremony of bathing combined with other rites at the time of aſſuming this dignity, is traced to a very remote period; it is ſaid to have been in uſe among the Franks, who were inhabitants of Lower Germany, and to have been brought by the Saxons into England; but a diſtinct order of knighthood denominated

denominated *of the Bath*, does not appear to have been eſtabliſhed till the reign of Henry IV. During the prevalence of the feudal ſyſtem, the aſſumption of knighthood at a particular age was not a favour, but a duty, as the ſheriffs were directed by writs to return the names of all perſons within their counties who had attained the age of twenty-one years, and poſſeſſed land of the annual value of 40*l.* that they might be compelled to receive knighthood; but it is probable that on extraordinary occaſions, the ſovereign would advance to that rank in an eſpecial manner, and with peculiar, and ſomewhat expenſive, forms and ceremonies, thoſe whom he intended peculiarly to diſtinguiſh, or in whoſe valour and attachment he placed great confidence. Thus it appears that at coronations of kings and queens conſort, at the time of conferring knighthood on the princes of the blood, and ſome other great occaſions, a ſelect number of knights bathed, and performed ſome other previous ceremonies together, wore a peculiar habit, made certain offerings, and were created under more impoſing auſpices than other knights, yet they are not diſtinctly claſſed as a ſeparate order till the coronation of Henry IV., a period which ſeemed almoſt to demand at the hands of that monarch the eſtabliſhment of a new fraternity. The depoſed king, Richard II, was grandſon and immediate ſucceſſor of the founder of the garter, and the ſovereign whoſe reign commenced on the aſſaſſination of that unfortunate prince, needed every ſupport which ſplendid appearance and powerful combination could beſtow. From this period then, the year 1399, the order of the Bath is regularly recorded, though it does appear in ancient times to have been limited as to numbers, regulated by an expreſs code of ſtatutes, or dignified by the acceſſion to its honours of any foreign potentate.

The general intent of this order is ſaid to be "the exaltation "of the holy Chriſtian religion; the ſupport of the rights of "our ſovereigns; the defence of their realms; the advance-"ment of juſtice; the protection of virgins, widows, and "orphans; the relief of the oppreſſed; and for demonſtrating "the affection of our monarchs towards the ſtate of chivalry; "to the end, both their ſubjects, and foreigners may be re-"warded for heroic military actions, and towards exciting "other perſons to imitate ſuch examples." In theſe points, however, nothing more is contained than the duties of a knight errant; and the forms of creation bear, in many points, a reſemblance of thoſe obſerved by thoſe virtuous, though ſometimes extravagant, adventurers.

The dreſs of a knight of the Bath is a red ſurcoat, lined and edged with white, girded about with a white girdle, without any

any ornament thereon; the mantle is of the ſame colour and lining, made faſt about the neck with a lace of white ſilk, having a pair of white gloves tied therein, with taſſels of ſilk and gold at the end; which mantles are adorned upon the left ſhoulders with the enſign of the order, being three imperial crowns *or*, ſurrounded with the ancient motto of this knighthood, *Tria juncta in uno*, wrought upon a circle *gules*, with a glory or rays iſſuing from the centre, and under it the lace of white ſilk, heretofore worn by the knights of the Bath. They have red breeches and ſtockings, and white hats, with a plume of white feathers. This dreſs varies in ſome ſlight particulars from that anciently uſed; of the moral or emblematical ſignification of which, and the various ceremonies previous to, and attendant on creation, the following account is given.

Bathing, whence theſe knights took their appellation, repreſents the purgation of the perſon bathed from ſin, and from all kind of moral impurity; as a perſon, by baptiſm, is ſanctified by a principle of inward and ſpiritual grace. After bathing, he is put into a new and clean bed, to denote that perfect and ſedate compoſure of mind, with which, after a courſe of virtuous achievements, in his new military ſtate, he is to be finally rewarded. When he has for ſome time repoſed himſelf, robes of crimſon, or red Tartan are delivered to him; by which ſignificant rite and ornament, he is inſtructed, that the duty of his new military office requires he ſhould, for the ſervice of the Chriſtian religion, and for the church, be ready to expoſe himſelf, whenever there may be juſt occaſion, to the greateſt difficulties and dangers; though ſuch as may occaſion the ſhedding of his blood: and theſe robes are guarded, lined, or edged with white ſilk, as emblematical of that immaculate honour, which, in virtue of his knighthood, he is inviolably obliged to preſerve and maintain. The *Chauſſes femellées*, or black ſtockings ſoled with leather, are intended, as ſeveral other materials of that colour, in the allegorical conſtruction of them, for a document of humility; reminding him of his firſt extraction, in reſpect of his mortal and material part, the earth, out of which his body was originally formed, and into which it muſt ſome time certainly be reſolved. His ſpurs denote his ardour, forwardneſs, and activity, in the purſuit of military adventures, and honour; and, particularly, a ready and cheerful obedience to any ſuperior command, ſuch as himſelf ſhould think reaſonable to be obeyed without ſcruple or regret, by thoſe, over whom he might be placed in any degree of authority; eſpecially where circumſtances would not admit diſpute or delay. And according to the Heraldic ſyſtem, ſpurs are carried, among other trophies, at the funeral of a knight of the Bath; a pri-

vilege not allowed to any other perſon, under the degree of a baron, except only to bannerets, and in later times, to colonels of horſe. His white girdle or belt repreſents the virtue of chaſtity, not in oppoſition to marriage, but to impure and criminal love, which knights ought particularly to deteſt, as being the avowed guardians of female virtue and honour.

The ceremonial directs, that the lords, who, by the ſovereign's appointment, ſhall put on the ſpurs, do likewiſe make the ſign of the croſs on each knee of the knight; and ſeveral monuments of knights of the bath were lately, if not ſtill remaining, having croſſes placed in this manner upon their knees.

The ſword is deſigned as a token of the knight's declaring open defiance to the devil, and of his reſolving to defend religion, and the duties of his calling, with all vigour and conſtancy; particularly to undertake the protection and defence of poor men againſt the rich, and of weak men againſt the ſtrong. The coif, white covering, and white hat upon the head, import, in the moral deſign, that as a knight is under indiſpenſable obligations, in virtue of his character and functions, to perform good and commendable works, ſo he ought to preſerve a pure conſcience before God, and ſhould be careful never to do, never to deſign any thing, for which his mind may inwardly challenge or reproach him. The blow on the neck is intended as a memorial to him, that he ought not to be inſenſible of any real indignity, or affront; that honour is a tender point; and no impreſſions are ſooner felt, or ought to be longer retained, than thoſe whereby any perſon ſuffers in his character, as a man of honour.

This account of the myſtic ſignification, in giving the blow, is agreeable to the opinion which has prevailed in later times. But ſince learned men have made different conjectures about its origin, it may be fit to mention ſome of thoſe which have been thought moſt ſpecious. Some authors have derived this blow from the ſtroke given by the Romans, *per vindictam*, with the rod, upon any perſon in his receiving manumiſſion. Others have deduced it from the ſtroke that the biſhops frequently gave to perſons confirmed by them. Others contend, that it was given on the creation of a knight, with ſuch violence, that he ſhould, by the ſenſible impreſſion of it, be more powerfully and permanently reminded of his profeſſion; which opinion appears conſonant to an ancient cuſtom of the Romans, tranſmitted from them to the Germans, of giving a blow to a perſon, who might be called upon to atteſt in evidence any thing that happened at the time, when the blow was given, or was for ſome ſpecial reaſon to be particularly remembered; ſeveral inſtances of which practice are collected by Du Freſne; to which may be

be added, it was cuſtomary in the northern parts of Europe, when the prieſt put the ring on the bride's finger, for thoſe, who aſſiſted at the marriage, to give to each other ſuch blows, the more effectually to remember the ſolemnization of it. Some authors aſſign another reaſon for this rite of the blow, that it was appointed in memory of our Saviour's being buffetted, and ſmitten for our offences. This blow was probably given on the back of the ſhoulder, or neck, that the perſon who received it ſhould continually remember, that he ought never, by flying from battle, to give an enemy the opportunity of ſtriking him in the ſame place.

This order fell into diſuſe from the coronation of Charles II. till the year 1725, when George I. revived it, fixed the number at thirty, beſides the ſovereign and the grand maſter, and gave a code of ſtatutes for its regulation.

The ceremony of inſtallation is grand and impoſing, and as that which was eſtabliſhed by George I. has been ever ſince adhered to, the deſcription of it is here tranſcribed.

The king allowed the chapel of Henry VII. to be the chapel of the order, and ordered, that each knight's banner, with plates of his arms and ſtyles, ſhould be placed over the ſeveral ſtalls, in like manner as the knights of the garter in St. George's chapel, Windſor, and he allowed them ſupporters to their arms.

The knights having apparelled themſelves in the habit of the order, in the chambers belonging to the ſpeaker of the Houſe of Commons, and the proxies of the abſent knights taking on their right arms the mantle of their principals, from thence repaired to the prince's chamber (their chapter room) about ten o'clock in the forenoon, and the perſons who were to attend this ceremony, being arranged according to their degrees, and waiting upon the ſtairs that lead from that room, a ſolemn proceſſion was made to the weſt door of the Abbey church of Weſtminſter, through St. Margaret's church-yard, by a paſſage railed in, floored with boards, and covered with cloth, in the following order.

The drums of his majeſty's houſehold; the drum-major attending.

A kettle-drum, and his majeſty's trumpets, the ſerjeant-trumpeter attending.

Twelve alms-men of the church of Weſtminſter, going two and two in their gowns, having three imperial crowns, embroidered on that part which covered their right ſhoulders.

The meſſenger of the order, in a ſurcoat of white ſilk, lined and edged with red, having a hood of the ſame affixed to it, and on his right ſhoulder the plain eſcutcheon of the order, *azure*, three imperial crowns *or*.

Eſquires

Eſquires of the knights companions in the like dreſs, going three and three, all of them in red ſtockings; thoſe of the knights in the loweſt ſtalls foremoſt, according to their courſes.

The prebendaries of the church of Weſtminſter, two and two, in white mantles, lined with red, having the badge of the order on their right ſhoulders.

The purſuivants of arms in their tabards; the heralds in tabards and collars; the provincial kings of arms in tabards, collars, and with their badges.

Then the knights-companions, all habited in their mantles and ſurcoats, and each carrying in his hand the white hat, adorned with the plume of white feathers; the proxies only carrying the mantle of their principals on their right arms, going by pairs, thoſe in the loweſt ſtalls being firſt.

Then followed the regiſter of the order, habited in a mantle like the prebendaries, having under it a ſurcoat like the eſquires, and on his breaſt, hanging to a gold chain, an eſcutcheon enamelled on a field *azure*, three imperial crowns *or*, the arms of the order, having in the centre the repreſentation of a book bound *gules*, the leaves *or*, and carrying the ſtatutes of the order, covered with red velvet, with the arms of the order emboſſed thereon with gold, having on his right hand the ſecretary of the order, habited in like manner, his eſcutcheon, with the arms of the order, having two pens, enamelled croſs ways; and on his left hand, the gentleman uſher of the order, habited in like manner, having the arms of the order pendant to a gold chain, and carrying in his right hand the ſcarlet rod, ſurmounted with three imperial crowns; all three carrying their red caps or bonnets in their hands.

The garter principal king of arms; on his right hand, the genealogiſt of the order, habited like the other officers, and wearing the arms of the order pendant to a gold chain, in the centre of which was enamelled in cypher, the letter G; on his left, Bath king of arms, in like habit, having on his breaſt, hanging to a gold chain about his neck, the eſcutcheon of the arms of the order empaling thoſe of the ſovereign, ſurmounted with three imperial crowns, and carrying the white rod or ſceptre in his right hand. The firſt with his hat, and the laſt two with their bonnets in their hands.

The dean of the order, in his mantle and ſurcoat, like the companions, and with the badge of the order pendant to a red ribband, carrying the forms of the oaths and admonitions to be given to the knights and proxies, fairly engroſſed on vellum.

The great maſter, in his full habit, with the collar, having his hat on his head.

The

The proxy for a prince of the blood, went covered with his hat, in the proceſſion, having his mantle over his right arm.

In this form they proceeded to the chapel of Henry VII. at the eaſt end of Weſtminſter Abbey. The twelve alms men there entered, two and two, and coming to the middle of the choir, altogether in a body, made their joint and low reverences to the altar, and turning about, then made their obeiſances to the ſovereign's ſtall, and dividing themſelves, ſtood in a row down from the rails of the altar.

The meſſenger did the like.

The eſquires having made the like reverences, placed themſelved, and ſtood before their reſpective ſeats, which were underneath the ſtalls of their reſpective knights.

The prebendaries, after making the like reverences, placed themſelves behind the altar, in order to aſſiſt at divine ſervice.

The purſuivants, heralds, provincial kings of arms, likewiſe entered, and were permitted to ſtand before the forms, under the prince's ſtall. They had commands given them by the great maſter, to take eſpecial care to ſhew the knights their reſpective banners, on their entries.

The two knights in the loweſt ſtalls entered, and, on paſſing up near to their banners, made their reverences together, in the middle of the choir, and then retired under their banners.

In like manner, all the other knights and proxies, according to the method obſerved in the proceſſion, did the ſame.

The regiſter, ſecretary, and gentleman uſher, after making their obeiſances, ſtood before their bench, at the foot of the ſovereign's ſtall.

Garter, the genealogiſt, and Bath king of arms, did the ſame, and ſtood before their bench.

The dean, in like manner, ſtood before his choir.

The great maſter entered ſingle, and after making the like obeiſances, retired under his banner.

The proxy of the prince entered alone, in like manner.

The prince, who, by the ſtatutes, was declared to be firſt and principal companion of the order, and to be placed next to the ſovereign, at this time came into the chapel in perſon, and the ſovereign having been pleaſed, in regard to the tenderneſs of his age, to diſpenſe with his obſervance of all of the rites of this order that might give him any fatigue, he therefore immediately aſcended into his ſtall, being inveſted in his mantle and collar, and ſat down covered.

Bath king of arms then made his reverences in the middle of the choir, and turning himſelf to the great maſter, who making his double reverences in the choir, took his ſtall, and there repeated his obeiſances, and ſat down, covered with his white hat.

Then the proxy of the Duke of Richmond aſcended into the

ſtall

ſtall of his principal, in like manner, and ſtood there uncovered, holding his mantle on his right arm.

Then Bath turned himſelf to the two knights in the next ſtalls, who, at the ſame inſtant, made the like obeiſances below, and repeated them in their ſtalls, and ſat down uncovered.

In like manner all the reſt of the knights and proxies did.

This being done, the eſquires in a body made their obeiſances, and retired to their ſeats. After them the officers of arms, and the heralds, according to a requeſt made to the great maſter, were allowed to ſit on benches in this preſent ceremony, placed at the feet of the prince's ſtall, the purſuivants ſtanding before them.

Bath and the gentleman uſher forthwith aroſe, and having made their reverences in the middle of the choir, proceeded to inſtal the knights in the following manner.

The great maſter entered into the ſtall of the knight next in height to his own, and having there given the proxy of the Duke of Richmond the tranſcript of the ſtatutes, atteſted under the ſeal of the order, the dean adminiſtered unto him the oath in the name of his principal, Bath holding the book of the goſpels; and the great maſter then ſeated the proxy down in his ſtall, and riſing, made his double reverences, and continued ſtanding holding his mantle.

The great maſter, with the like attendants, having made his double obeiſance in the middle of the choir, then repaired to the ſtall of the next knight, delivering to him a copy of the ſtatutes, and adminiſtered the oath, which was as follows: "You ſhall "honour God above all things; you ſhall be ſtedfaſt in the "faith of Chriſt; you ſhall love the king, your ſovereign lord, "and him and his right defend to your power; you ſhall de-"fend maidens, widows, and orphans, in their rights, and ſhall "ſuffer no extortion, as far as you may prevent it; and of as "great honour be this order unto you, as it was to your pro-"genitors, or others." Bath then delivered the collar of the order to the great maſter, who put it about the neck of the knight, and placing the white hat on his head, ſeated him down in his ſtall, who, riſing, made his double obeiſances, and the great maſter having embraced and congratulated him, he then ſat down in his ſtall, covered with the white hat, adorned with a plume of white feathers.

The great maſter having performed the like ceremonies to all the other knights and proxies, returned to his ſtall, the dean to his chair, and Bath and the gentleman uſher to their benches; divine ſervice then began, during which time the knights placed their hats upon the cuſhions laid before them.

Upon the firſt ſentence of the offertory, "Let your light ſo ſhine,

ſhine, &c." the muſic playing, Bath ſtepped from his bench, made his double reverences in the middle of the choir, and coming before the ſtall of the junior knight, bowed to him, and immediately turned himſelf to the oppoſite ſide, bowing to the knight in that ſtall, who aroſe, and making their double obeiſances, both at one time in their ſtalls, deſcended into the middle of the choir, where they repeated the ſame, and retired under their banners. Bath then, in like manner, ſummoned the knights in the next ſtalls, ſo throughout the whole courſe of the ſtalls, ſummoning them by pairs, and the proxy of the Duke of Richmond ſingle, then the great maſter, and then the prince alone, who all of them, after the obeiſances, placed themſelves under their banners.

Bath returned to his bench, and the provincial kings of arms, making their reverences, waited upon the prince, who, on going from under his banner, made his double obeiſances; and being thus preceded, made his double obeiſances near the rails of the altar, and at the rails, to the altar only, where kneeling down, his highneſs depoſited his offering in the baſon held by the dean, aſſiſted by the prebendaries; and he repeated the ſame reverences in his return, and entered his ſtall, where he again made his double obeiſances, and ſat down.

Bath king of arms then aroſe, and being joined by the eldeſt herald, in like manner repaired to the great maſter, who, carrying his white hat in his hand, offered in the ſame manner, and ſat down in his ſtall, with the like ceremonies; and then the proxy of the Duke of Richmond in the like method, and ſtood in the ſtall, holding his mantle. In like manner, the reſidue of the knights and proxies performed this ceremony by pairs. Divine ſervice being ended, the knights-companions put on their white hats; and, while the muſic played, Bath king of arms ſummoned all the knights and proxies to come down from their ſeveral ſtalls, in the former method, who all ſtood under their banners. Which being done, the prince was conducted to the rails of the altar, with the like ceremonies as in the former offering, where the prince unſheathed his ſword, and offered it himſelf naked to the dean; and having redeemed it, the dean returned it, with the following admonition: "I exhort and "admoniſh you, to uſe your ſword to the glory of God, the "defence of the goſpel, the maintenance of your ſovereign's "right and honour, and of all equity and juſtice, to the utmoſt "of your power."

Soon afterwards the prince retired out of the chapel, leaving a proxy to return in the proceſſion to the chapter-houſe. Then the great maſter covered, after him the proxy of the Duke of Richmond uncovered, each ſingly, and all the other knights co-

vered, and proxies uncovered by pairs, being reſpectively attended as at the firſt offering, were conducted to the rails of the altar, with the uſual obeiſances, where each knight and proxy, ſtanding, unſheathed his ſword and offered it naked to the dean, who, upon the redemption of it, reſtored the ſame, with the proper admonitions, according to the oaths they had taken this day; and theſe knights and proxies being all ſeverally reconducted to their places, under their reſpective banners, the alms-men began the proceſſion, and were followed by all the others, having firſt performed their double obeiſance in the chapel. And this proceſſion was made in the ſame form back to the chapel room, as in the firſt proceſſion to the chapel, except in the following particulars: that, at the outſide of the weſt door of the abbey, the ſovereign's maſter cook, having on a linen apron, and a chopping knife in his hand, ſeverally ſaid to each companion, "Sir, you know what great "oath you have taken, which if you keep, it will be great "honour to you; but if you break it, I ſhall be compelled by "my office, to hack off your ſpurs from your heels." And the prebendaries had leave to retire to the Jeruſalem chamber, from the weſt end of the abbey church; the eſquires, officers of arms, and of the order, after they came out of the church, were allowed to be covered, and at the door of the chapter room, Bath king of arms took the mantles from the proxies.

Dinner being ready, the great maſter, being preceded by the officers of the order, and garter king of arms, came into the court of requeſts, proceeded down to the lower end thereof, and entered into the way at the farther ſide of the table, and came up to the top of it, being followed by all the knights in courſe, according to the height of their ſtalls; and when the grace had been ſaid, they all ſat down in that order, in the ſame row, upon one ſide of the table, each of them having an eſcutcheon of his arms and titles fixed to the wall over his ſeat; the dean was placed next to the junior knight, and the proxies ſat uncovered at the bottom of the table.

The officers of the order, covered with their bonnets, ſat at a table placed oppoſite to the knights' table, towards the lower end of the room; the officers of arms dined at a table in the paſſage from the Houſe of Lords to the Houſe of Commons; and the prebendaries in the Jeruſalem chamber.

The eſquires, having for ſome time attended behind their reſpective knights, had leave given them to retire to their dinner in the painted chamber, who went thither in their courſes, where they dined.

At the ſecond courſe, Bath king of arms aroſe, and the muſic ceaſing, made his reverence in the middle of the room, and there

there, according to the command given him, proclaimed the ſtyle of the prince, the firſt and principal companion of this moſt honourable order, who was always to be placed next the ſovereign; and then coming up near to the great maſter, who ſtood up uncovered, while Bath proclaimed his ſtyles; and the great maſter then ſitting down, the ſtyle of each companion preſent, in the like manner, was reſpectively proclaimed, at which ſome heralds and purſuivants aſſiſted.

The habits of ceremony appropriate to officers of this order have been mentioned in the courſe of the preceding ſtatements; the dean is always the dean of Weſtminſter, a dignity held *in commendam* with the biſhoprick of Rocheſter, the other officers are a genealogiſt, and blanc courſier herald, Bath king of arms, a Windſor herald, a regiſter, a ſecretary, a gentleman uſher of the ſcarlet rod and Brunſwick herald, and a meſſenger.

The fees of honour paid by the knights of this order, at the time of their creation and inſtallation, amount to the fixed ſum of one thouſand guineas.

KNIGHTS OF ST. PATRICK. This inſtitution owes its origin to his preſent majeſty. On the 5th of February, 1783, letters patent paſſed the great ſeal of the kingdom of Ireland, for creating a ſociety or brotherhood, to be called knights of the illuſtrious order of St. Patrick, to conſiſt of the ſovereign and fifteen knights companions, his majeſty, his heirs, and ſucceſſors, being perpetual ſovereigns, and the lord lieutenant, or the lord deputy, or deputies, or lords juſtices, or chief governors, or governors of Ireland, for the time being, officiating as grand maſters. The patent alſo directed the appointment of the requiſite number of knights-companions, but one of them, the earl of Antrim, having declined the honour, a new patent iſſued, appointing another in his ſtead.

On the 11th of March, being the day appointed by the lord lieutenant, for the inveſtiture of theſe knights, the noblemen named in the letters patent were ſummoned to attend, in order to be inveſted with the enſigns of that dignity, previous to their inſtallation; and being aſſembled in the preſence-chamber in the caſtle of Dublin, a proceſſion was made from thence to the great ball room, compoſed of the knights and their officers and attendants. They were followed by Ulſter king of arms, bearing his majeſty's commiſſion, and the badge and ribband of the grand maſter on a velvet cuſhion.

Lord viſcount Carhampton, bearing the ſword of ſtate.

His excellency the lord lieutenant with ten aids de camp, on each ſide.

Gold ſtick and yeomen of the guard.

On their arrival in the great ball room, the different perſons who compoſed the proceſſion advanced to the places aſſigned them; and the lord lieutenant, being covered and ſeated in the chair of ſtate, the king of arms preſented to him his majeſty's letter, which his excellency delivered to the ſecretary of ſtate, who read it aloud; during which time the lord lieutenant and the aſſembly remained ſtanding and uncovered. His excellency being again ſeated, Ulſter preſented to him the blue ribband, and badge of grand maſter, with which he inveſted himſelf.

His excellency then ſignified his majeſty's pleaſure, that the great ball room ſhould be ſtyled the hall of St. Patrick, which was done by proclamation made by the king of arms, at the ſound of the trumpet, and with the uſual formalities; after which his excellency directed the king of arms, and uſher of the black rod, to introduce his grace the lord archbiſhop of Dublin, to whom the ſecretary of ſtate adminiſtered the oath, as chancellor of the order; and his grace, kneeling, was inveſted by the grand maſter with the proper badge, and received from his excellency's hands the purſe containing the ſeals.

The dean of St. Patrick was then introduced, to whom the oath of regiſter was adminiſtered by the chancellor, and he was inveſted in like manner by his excellency, who delivered to him the ſtatutes and the regiſter of the order. Lord Delvin was next introduced; and having taken the oaths, was inveſted as ſecretary; and, in like manner, the genealogiſt, the uſher, and the king of arms, the oaths being firſt adminiſtered to them by the chancellor, were ſeverally inveſted by the grand maſter.

In conſideration of the tender years of prince Edward, his majeſty's fourth ſon, and one of the knights nominated in the patent, his perſonal inveſtiture was diſpenſed with, and a nobleman being knighted for the purpoſe, was declared his proxy. His excellency then directed, that the duke of Leinſter ſhould be called in; and as by the ſtatutes of the order, none but a knight can be elected or inveſted, his grace, being introduced by the uſher and king of arms, was knighted by the lord lieutenant with the ſword of ſtate, and immediately delivered to the genealogiſt the proofs of blood required by the ſtatutes; whereupon the oaths were adminiſtered by the chancellor, and his grace, kneeling, was inveſted by the grand maſter with the ribband and badge. His grace then joined the proceſſion, to introduce the earl of Clanrickarde, who being ſworn, was inveſted in like manner, and both knights joined the proceſſion, to bring in the earl of Weſtmeath; after which

the

the two junior knights performed this duty, and the ſenior knight took his ſeat as companion of the order, and the remaining knights were in like manner introduced, ſworn, and ſeated. The ceremony of inveſtiture being ended, his majeſty's pleaſure was declared and regiſtered, for appointing his grace the lord archbiſhop of Armagh, primate and metropolitan of all Ireland, to be prelate of the order.

The 17th of March, being the anniverſary of St. Patrick, the tutelar Saint of Ireland, and patron of the order, was fixed for the ceremony of inſtallation. The lord lieutenant, preceded by the officers of his houſehold, and eſquires of the ſovereign, in his excellency's coaches, and attended by a ſquadron of cavalry, ſet forward from the caſtle, followed by the knights-companions, each in his coach, attended by his three eſquires, the lord lieutenant only being in his full mantle, habit, and collar of the order, the knights in their ſurcoats only, with their caps in their hands, and the eſquires in their full dreſs.

His excellency was received at the cathedral of St. Patrick by the members of the chapter, and by the officers of the church, and of the order, who all attended him to the chapter-room.

A proceſſion was ſoon after made to the choir, led by the vergers, choriſters, prebendaries, muſic, officers, eſquires, and heralds; the knights, the great officers of the order, and the guards.

On entering the choir, the ſeveral officers attending the proceſſion occupied the places aſſigned them. The eſquires, making their reverences to the altar, when they came to the ſtall of their knight, took their reſpective places. The knights, after the like reverences, proceeded to their ſtalls, where they remained ſtanding till his excellency was ſeated, when they all bowed together, and ſeated themſelves. A grand band of muſicians, vocal and inſtrumental, then performed Handel's coronation anthem. After which Ulſter king of arms, the heralds and purſuivants, attended by the ſovereign's eſquires, brought in the ſovereign's banner, which was by the ſenior eſquire carried to the ſteps of the altar, and being delivered to Ulſter, was by him preſented to the regiſter, and placed within the rails of the altar. The officers of the order, and the eſquires of his royal highneſs prince Edward, then went, with the uſual reverences, for the inſignia of the order, with which they returned in manner following: viz.

The principal eſquire, bearing his royal highneſs's banner furled.

The two other eſquires, bearing the mantle and ſword.

Ulſter, carrying the great collar of the order upon a blue velvet cuſhion.

When they reached the centre of the choir, they remained, while the four great officers of the order proceeded to his royal highneſs's ſtall; and after the uſual reverences to the ſovereign's ſtall, the proxy of his royal highneſs deſcended into the middle of the choir, where the ſword, the mantle, and the collar were delivered to him, by the chancellor and regiſter, the chancellor reading the admonitions preſcribed. His lordſhip was not inveſted, but bore the inſignia on his arm. They then conducted his lordſhip to the prince's ſtall, with the uſual reverences to the ſovereign; and his lordſhip being ſeated, but not with the cap on his head, the eſquires immediately unfurled the banner, and then his lordſhip and the knights ſtanding up uncovered, Ulſter proclaimed his royal highneſs's ſtyle in Engliſh, and a proceſſion was made to the altar, of the regiſter, and officers of arms, attended by the eſquires with the banner, which was delivered to Ulſter, who preſented it to the regiſter to be placed by him within the rails of the altar, the principal eſquire making the offering, which was delivered to the dean, and by him placed on the altar. After which, with the uſual reverences, the eſquires proceeded to their places.

The officers at arms, with the eſquires of his grace the duke of Leinſter, proceeded in like manner to bring in the inſignia; and his grace having deſcended into the choir, was inveſted with the ſword, the mantle, and the collar, by the chancellor and regiſter, the following admonitions being read by the chancellor:

On putting on the ſword; "Take this ſword to the increaſe of your honour; and in token and ſign of the moſt illuſtrious order, which you have received, wherewith you being defended, may be bold, ſtrongly to fight in the defence of thoſe rights and ordinances to which you be engaged, and to the juſt and neceſſary defence of thoſe who be oppreſſed and needy."

On putting on the mantle; "Receive this robe and livery of this moſt illuſtrious order, in augmentation of thine honour, and wear it with the firm and ſteady reſolution, that by your character, conduct, and demeanour, you may approve yourſelf a true ſervant of the Almighty God; and a worthy brother and knight-companion of this moſt illuſtrious order."

On putting on the collar; "Sir, the loving company of the order of St. Patrick has received you their brother, lover, and fellow, and in token and knowledge of this, they give you and preſent you this badge, the which God will

" that you receive and wear from henceforth, to his praiſe " and pleaſure, and to the exaltation and honour of the ſaid " illuſtrious order and yourſelf." The knight was then conducted to his ſtall, and ſtanding up with his cap on his head, his banner was unfurled, Ulſter proclaimed his ſtyle; and his grace bowing to the grand maſter, by whom he was at that time ſaluted, took his ſeat. The banner and offering were afterward preſented at the altar, with the ceremonies before deſcribed, which were repeated with every ſucceeding knight.

When the ceremonies of the inſtallation were finiſhed, the band performed Handel's Dettingen *Te Deum*, after which a proceſſion was made in the former order to the chapter room, the knights, eſquires, and officers of the order, wearing their caps; and the proceſſion returned from the chapter room to the caſtle. A ſumptuous banquet being prepared in St. Patrick's hall, the grand maſter, with the knights and their eſquires, the officers of ſtate, the officers of the order, and the officers of his excellency's houſehold, in proceſſion as before, went from the preſence chamber to St. Patrick's hall, where the grand maſter and knights took their ſeats at table, covered; the grand maſter in a chair of ſtate in the centre, the prince's proxy in a chair covered with crimſon velvet, on his left hand, the prelate's chair being placed at the end of the ſovereign's ſtall on the right, and the chancellor ſeated at the other end on the left, and the knights on each ſide. The eſquires remained ſtanding till after grace was ſaid by the chancellor, when they retired to the ſeats prepared for them.

Toward the end of the firſt courſe, his excellency ſtood up uncovered, the knights alſo roſe uncovered, and the king of arms proclaimed by ſound of trumpet, that the grand maſter, and knights-companions of the moſt illuſtrious order of St. Patrick, drank the ſovereign's health. The ſecond courſe was then brought in by the yeomen of the guard, with the uſual ceremonies; after which his excellency ſtood uncovered, and the knights again ſtanding up uncovered, Ulſter proclaimed, that the grand maſter, in the name of the ſovereign, drank the healths of the knights-companions. At the end of the ſecond courſe, all riſing again, uncovered, drank the queen's health, which was proclaimed in the ſame manner. The deſſert being brought in, the officers at arms with the uſual reverence cried *largeſs* thrice, and proclaimed the ſtyle of the ſovereign, and afterward of each knight-companion, who ſucceſſively ſtood up during the proclamation, and ſat down again, having bowed to the ſovereign. After which the knights, eſquires, and officers attended the grand maſter to the preſence

chamber, where the ceremony finiſhed; and the eſquires and officers retired to the dinner prepared for them.

The badge of the order is a ſaltire red on a blue field, ſurmounted with a ſhamrock, (or trefoil) green, charged with three imperial crowns of gold, within a garter, on which is the motto, *Quis ſeparabit.* MDCCLXXXIII; the whole ſurrounded by a ſtar of ſilver with eight points; all which is embroidered and worn on the outer garments of the knights of the order. The collar is of fine gold, compoſed of four harps and five roſes, alternately joined or linked together, by ten knots enamelled white; the roſe red, ſurrounded by a border of gold, and blue enamel. In the centre before, is an imperial crown, to which is pendant an harp, and thereto the jewel of the order, being a croſs ſaltire enamelled red, charged with a ſky blue enamelled trefoil, ſurmounted with three imperial crowns of gold, the whole ſurrounded with a bordure of gold, whereon is the motto enamelled blue. Which jewel except on public days, is worn pendant to a ſky blue ribbon, and ornamented with jewellery, according to the taſte of the poſſeſſor.

The officers of the order of St. Patrick are; the *prelate*, who is the primate of Ireland; the *chancellor*, who is the archbiſhop of Dublin; a *regiſter*, *ſecretary*, *genealogiſt*, *uſher of the black rod*, and *Ulſter king of arms*.

Baronets. Baronets are the firſt among the gentry, and the only knighthood that is hereditary, being limited by the creation to the individual, and the heirs male of his body. They have precedence before all knights except knights of the garter, knights who are privy councellors, or knights bannerets, made under the king's banner or ſtandard. This honour was firſt inſtituted by James I. in 1611, who limited the number to two hundred; but his ſucceſſors have not adhered to this rule, as their number is now indefinite. The rebellion of the Iriſh in the province of Ulſter ſeems to have given riſe to this order, as a baronet on his creation muſt pay into the exchequer as much as will maintain thirty ſoldiers three years, at eight pence a day, in the province of Ulſter in Ireland, which amounts to near 1100*l.* ſterling; and baronets have the privilege to bear in a canton in their coat of arms, or in a whole eſcutcheon, the arms of Ulſter, viz. *in a field, argent, a ſiniſter hand, gules.* The qualification required is, to be a gentleman born, and have a clear eſtate of 100*l.* per annum, and the fees are calculated at 1200*l.* The title *ſir*, is granted to baronets by a particular clauſe in their patents; and their wives are ladies. The firſt baronet created was ſir Nicholas Bacon of Redgrave in Suffolk, whoſe ſucceſſor is therefore ſtyled, *primus baronettorum Angliæ.*

KNIGHT BANNERET. This title is not hereditary, but was, while in uſe, conſidered highly honourable, and allowed precedence before all perſons under the rank of baron, both by ſtatutes and by royal edicts. A knight, to gain this precedence, muſt have been created by the king in perſon in the field, under the royal banners, in time of open war. Late years have not furniſhed occaſion for this mode of creation.

KNIGHT BACHELOR. By this deſcription is diſtinguiſhed the loweſt though moſt ancient order of knights; the etymology of the term bachelor, *bas chevalier*, clearly demonſtrating that the perſon who had received that dignity had only attained the firſt ſtep in the gradations of honour. This title is not only of high antiquity in England, but derived from a military order among the Romans, and the duty annexed to it of ſerving armed and on horſeback in defence of the ſovereign and realm, was ſo agreeable to the ſpirit, and accommodating to the wants of government during the prevalence of the feudal ſyſtem, that it was the duty of every one who held the portion of land called a knight's fee, anciently four hundred and ſixty acres cultivated, or of the value, according to a rate fixed in the reign of Edward II., of 20*l.* per annum, to be knighted, and to attend the king in his wars, or pay certain fines as the penalty of his non-compliance. If the poſſeſſor of land refuſed or neglected to be knighted, a writ was iſſued by order of the crown, directing the ſheriff to levy on his land the fine due on the occaſion. This right was freely exerciſed during the reigns of Edward VI. and queen Elizabeth, but when Charles I. reſorted to it as a mean of ſupply, it encountered much oppoſition, and was aboliſhed by ſtatute. The order of knighthood has ſince been conferred on various perſons and occaſions, but is no longer conſidered as having any direct reference to military duty or ſervice.

The modes of creating knights have varied at different periods, but that now uſed is ancient and has been moſt general. He who is to receive the dignity kneels, and the ſovereign, ſtriking him lightly on the ſhoulder with a drawn ſword, pronounces, "Riſe a knight in the name of God." From the form thus uſed, knights bachelors have alſo been called knights of the ſword, and knights of the carpet.

ESQUIRES. The titles eſquire and gentleman are frequently confounded, though there are ſhades of difference in their definition. Both are titles of worſhip, mere addition, and not of dignity inſeparably annexed to the name; and every eſquire is a gentleman, but a perſon may be well entitled to the addition of gentleman who could not by any poſſibility juſtify his aſſuming that of eſquire, though, by the courteſy of modern times, the term eſquire is almoſt as extenſively uſed as that of gentleman.

gentleman. An eſquire is ſaid to be one who bears in his ſcutcheon the enſign of honour. Perſons entitled to this addition are,—1. The eldeſt ſons of knights, and their eldeſt ſons in perpetual ſucceſſion. 2. The eldeſt ſons of younger ſons of peers, and their eldeſt ſons in like perpetual ſucceſſion: both which ſpecies of eſquires Sir Henry Spelman entitles *armigeri natalitii*. 3. Eſquires created by the king's letters patent, or other inveſtiture, and their eldeſt ſons. This was formerly a matter of ſolemnity and importance, though now diſuſed; it was performed by inveſting the individual with a collar of S. S. and ſilver ſpurs; ſuch was the inveſtiture with which Henry V. rewarded his brave followers at the battle of Agincourt: it was ſometimes done by letters patent. 4. Eſquires by virtue of their offices; as juſtices of peace, and others who bear any poſt of truſt and conſideration under the crown; attending at the coronation in ſome employment, or being choſen eſquire to the body of the prince. To theſe may be added eſquires of the knights of the bath, each of whom conſtitutes three at his inſtallation: and all foreign, nay Iriſh peers; for not only theſe, but the eldeſt ſons of peers of Great Britain, though frequently titular lords, are only eſquires in the law, and muſt be ſo named in all legal proceedings.

Gentleman. A gentleman is ſaid to be one who may have enſigns of gentility or armorial bearings; but it does not appear neceſſary that he actually ſhould have them, ſince he may be a gentleman by anceſtry, though the ſtock from which he is derived never acquired a right to a coat of arms by ſerving in any military expedition. The diſtinction between gentlemen was that the firſt to whom the title was granted was ſuppoſed to be qualified to bear coat armour, and his third deſcendant was called a gentleman of blood. A gentleman, according to Mr. Selden, denotes one "that either from the blood of his anceſtors, or the favour of his ſovereign, or from his own virtue, employment, or otherwiſe, according to the laws of cuſtom and honour in his country, is ennobled, made gentile, or ſo raiſed to eminency among the multitude, perpetually inherent in his perſon." From this inherent, inſeparable quality of gentry, it follows that poverty, the exerciſe of a trade, or any humble, or even ſervile, calling, does not extinguiſh it; for, ſay the civilians, gentry cannot be ſeparated from the perſon, being appendant thereto as rays are to the ſun, and, conſequently, though this gentry ſhould, during an apprenticeſhip, or the exerciſe of a trade, ſuffer ſome ſort of eclipſe, or as others with more caution expreſs it, that the effects and privileges of gentry are, during ſuch interval, only ſuſpended, yet the gentry will return to its former ſplendor by the deſiſtance from

from the exercise of the trade, and that even without the aid of letters of rehabilitation. Probably the case of wives may add some illustration to this matter. The husband and wife are in the law considered to be one and the same person, and for this reason, a woman born out of wedlock is ennobled by her marriage with a gentleman, and she shall retain that honour during her widowhood, because, by a presumption or a fiction in law, the matrimony is thought to be still subsisting; but if she should remarry with a yeoman, the adventitious gentility would, for the same reason, be extinguished; thus, on the reverse, when a woman, descended from a race of gentile ancestors, marries a yeoman, yet she, being one with her husband, must follow his condition, and if she should survive him, cannot resume her native gentility during her widowhood.

Arms. The right, derived from birth or achievements, of exhibiting certain painted or sculptured devices in various forms, is of high antiquity, and the science connected with this subject is termed heraldy. This science has been pursued with a great degree of accuracy by many learned and ingenious persons; and if the enthusiasm which frequently results from the successful pursuit of knowledge, has led some of them to the use of expressions in praise of their art, which have exposed them and it to some share of ridicule, still the excellent effects of their diligence in identifying persons doubtfully or slightly mentioned in history, developing latent claims to alliance and title, and rectifying errors rendered current by a too easy belief, have entitled them to eminent consideration in the republic of letters. The claims which are the subject of their illustrations have been treated with affected contempt by those who are rather fluent than profound; but the man who decries while he wants the advantage of gentility, shews a mean, envious, or illiberal spirit; and he who possesses that honour, and yet undervalues or disgraces it, is conspicuously base in proportion as his ancestors have been eminently honourable. In ancient times the thought of acquiring the distinction implied in a coat of arms, or of enlarging that which a valiant ancestor had procured, was a strong motive to heroic enterprise; and, in modern days, he must be considered rather fastidious than judicious, who contemns a reward which has been cherished by the most honoured and illustrious among the wise and the brave.

The origin of armorial bearings is uncertain, and wherever this circumstance attends a system in which the honour of many persons is concerned, and the developement of which engages a considerable portion of attention, fancy, rather than judgment, is often used in the deduction of analogies to supply the place of authentic facts, and in deriving supposed circumstances of

of elucidation from ſources too remote to be credible, or making applications too whimſical to bear the teſt either of reaſon or ridicule. In the courſe of theſe inveſtigations, religion and mythology, hiſtory and fable, the Egyptians and the Hebrews, the Greeks and the Romans, have been laid under contribution, and the facts or the fancies ſupplied by the records or fictions of all theſe nations have been no leſs diſtorted by the pens of thoſe who have compoſed diſſertations on heraldry, than the forms of animals, and other objects, have been by the pencils of thoſe who formed armorial bearings. The origin of coat-armour is, with more appearance of reaſon, aſſigned to the ſtipendiary bands of German ſoldiers in very early ages of Chriſtianity; the chiefs who invented, conſidering them, not ſolely with reſpect to national diſtinctions, but as of perſonal appendage. When the Saxons, after their invaſion of this kingdom, ratified the partition of the whole territory, and eſtabliſhed the heptarchy, to each principality its own peculiar badge was aſſigned, and borne upon the banners; and it appears, that whenever any of the provincial kings became monarchs of the iſland, they retained the gentilitial badge as perſonal, not adopting any new device. Yet if the invention of armorial bearings is allowed to the Germans, the ſplendid aid that heraldry receives from the art of blazonry is unqueſtionably the property of the French alone. Theirs are the arrangement and combination of tinctures and metals, the variety of figures effected by the geometrical poſitions of lines, the attitudes of animals, and the groteſque and almoſt inexplicable delineation of monſters. The uſe of theſe diſtinctions by the French is claimed as early as the eighth century, before the Merovingian race of kings became extinct; though others remove the period to the cloſe of the ninth, or beginning of the tenth century, or, with more probability, to the latter part of the tenth, when magnificent tournaments, held under the auſpices of Hugh Capet, introduced the more general uſe and aſſumption of arms.

William the Conqueror, a polite and accompliſhed prince, educated in the courts of Robert and Philip I. ſucceſſors of Hugh Capet, introduced into England, though not without many cautious reſtrictions, the individual bearing of arms, by perſons inferior to himſelf. For ſome time after this period, armorial enſigns were exhibited in painted or embroidered pennons, enamelled eſcutcheons, ſuſpended in buildings, or worn about the perſon, or ſimilar devices ſculptured in various parts of churches; a practice which the clergy were very likely to permit, in order to furniſh another motive to the generoſity of founders. They were alſo uſed on ſeals of monarchs, as they had

had been long before the conqueſt, and on thoſe of the ſuperior order of ſubjects. This right was not, however, to be raſhly invaded; Richard de Lucy, chief juſtice of England, during the reign of Henry II. is reported to have taken ſevere cognizance of a private man, who, by uſing a ſeal, interfered with the ſole privilege of nobles and knights.

Under the auſpices of the gallant Cœur de Lion, armorial bearings aſſumed a high conſideration, a more extenſive uſe, and a more ornamental illuſtration. The ſplendid and chivalric enterprize of reſcuing from the hands of infidels the tomb of our bleſſed Saviour, was before this time recommended by a great eccleſiaſtical council, and being enforced by the eloquent perſuaſions of enthuſiaſtic preachers, drew together immenſe armies from all parts of civilized Europe, to fight under the conſecrated banner. To preſerve ſuch a mixed hoſt from inextricable confuſion, peculiar banners were neceſſary to each national diviſion; and ſubſequently, particular bearings to each leader, and to each knight. The red croſs was the general badge, which every private ſoldier wore, ſewed to his ſurcoat, and the ſame ſign was diſplayed on every banner throughout the army and fleet. The peculiar diſtinctions were ſuch as the rude ſtate of heraldry at that period would allow; but they were much improved, both in variety and taſte, by the ſpoils which the Chriſtian adventurers acquired from the ſplendid and luxurious Aſiatics, to whom they were oppoſed. The trophies thus obtained were oſtentatiouſly worn by the warriors in perpetual commemoration of their proweſs; and the allowance and authentication of theſe appropriations of ornament were among the few amuſements to be obtained in ſuch an army, and ſuch campaigns. In the delineation of theſe objects, which was intended to tranſmit them as honours to the contemplation of poſterity, all the fictions of credulity, and all the irregularities of wild fancy, unenlightened by inſtruction were introduced, and repetition and redundancy were uſed as ſubſtitues for invention and diverſity. The introduction of gryphons, mermaids, wyverns, and harpies, was adapted to the clime, the ſervice, and the daily narratives which aſtoniſhed the credulous adventurers; the croſs, the diſtinguiſhing emblem of their profeſſion, relapſed from its proper form into endleſs varieties, and the general rudiments of the heraldic ſcience were laid, though the materials were rude, and the invention denoted neither taſte nor judgment. Arms in the form which they aſſumed in Paleſtine were introduced into England in the twelfth century, thoſe ſculptured on the ſhield of the effigy of Geoffry de Magnaville, Earl of Eſſex, in the Temple church, being the earlieſt which have been diſcovered. He died in 1144, but the adoption

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of arms in England is fixed in the year 1147, when the ſecond cruſade was undertaken. Theſe dates, it is to be obſerved, are by no means incongruous, ſince the effigy of Geoffry muſt have been erected by his heir, and the arms, then ſo recent, but acquired by the anceſtor, would not be omitted in his funeral ornament. Eſcuage being levied in 1159 by Henry II., it is conſidered extremely probable that many who were compelled to pay that contribution, and to furniſh arms in the royal cauſe, claimed as a privilege naturally appendant, the right of aſſuming the new diſtinction of emblazoned ſhields.

Such was the ſtate of heraldry at the acceſſion of Richard I. At that period the chiefs who had returned from the holy war to their own country were induſtrious to call forth the higheſt admiration of their martial exploits in the middle ranks. Ambitious of diſplaying the banners they had borne in the ſacred field, they procured every external embelliſhment that could render them, either more beautiful as to the execution of the armorial deſigns, or more venerable as objects of ſuch perilous attainment. Theſe inclinations were encouraged by the warlike monarch, as tending to divert the diſſatisfactions of his people, from whom he was eſtranged, to employ the martial ſpirit of his nobility, and to increaſe that love of romantic enterprize, to which he ſacrificed both his crown and life. The bannerols of this era were uſually of ſilk ſtuff, upon which was embroidered the device; and the ſhields of metal, enamelled in colours, and diapered or diverſified with flouriſhes of gold and ſilver. Both the arts of encauſtic painting and embroidery were then well known and practiſed, yet, of ſo great coſt as to be procured only by the moſt noble and wealthy knights. Amongſt other pageantries, was the dedication of theſe trophies to ſome propitiatory ſaint, over whoſe ſhrine they were ſuſpended; and which introduced armorial bearings in the decoration of churches, frequently carved in ſtone, painted in freſco againſt the walls, or ſtained in glaſs on the windows. The avarice of the eccleſiaſtics, in thus adding to their treaſures, conduced almoſt as much as the military genius of the age, to the more general introduction of arms. So ſanctioned, the uſe of them became indiſpenſable; as they were then perſonal only, and the aſſumption of them by hereditary claim, was conſidered as reflecting no honour on the bearer. Nor did this love of pageantry terminate in the mere vanity of momentary exhibition; it produced a correſponding effect on all the ornamental arts, and painting, ſculpture, carving, and embroidery were enlivened and encouraged, by the induſtry which was neceſſary to gratify theſe heroes while living, and commemorate them when dead.

When the cruſades were at an end, and the adventurers had returned

returned to their own country, the ſame unextinguiſhed military ardour diffuſed itſelf amongſt the youth of all the nations of Chriſtendom, and feats of chivalry were their characteriſtic employment. Orders of knighthood, each ſanctioned by a peculiar code of vows and obſervances, united in one common purſuit the higher ranks in ſociety; whilſt, by the general eſtabliſhment of the feudal ſyſtem, their numerous vaſſals were bound to contribute to their magnificence, by conſtant perſonal attendance, and even by their property and their lives. When the contentions of the barons with their ſovereign frequently called both into the field, their followers were diſtinguiſhed by the armorial bearing or cognizance of their leader. The ſame original utility of arms recurring on theſe occaſions, extended the adoption of them ſtill farther; as about this period (the reign of Henry III.) they became hereditary, ſometimes bequeathed or given by voluntary ceſſion of the chief to his favorite eſquire, ſometimes acquired by marriages with an heir ſpecial, and often conferred at ſolemnities. The cuſtom then became ſo general, that regulations were neceſſary for their arrangement, ſo that no interference might occur. Before this period, and perhaps, occaſionally for ſome time after, the paternal coat did not regularly deſcend to the ſon, but ſometimes he aſſumed the maternal, ſometimes an adopted coat. The jouſts and tournaments * ſo much encouraged in thoſe days tended much to reform this abuſe, as it was not only a matter of pride to every knight to keep his own arms, with all their additions, in conſpicuous renown; but the uſurpation of armorial enſigns was a good and not unfrequent cauſe of judicial combat. The claim to arms was alſo a ſubject of inquiry by a jury, compoſed of twenty-four knights, and impannelled by the earl marſhal.

The tenacious diſpoſition ſo generally diſplayed on this point fixed on a ſure footing the rights and claims of heraldry, and while the privilege of bearing arms involved in it every honourable pretenſion, the laws of chilvalry, which had ever the redreſs of injuries, and the eſtabliſhment of juſt rights, as their invariable object, appointed ſeveral diſgraceful figures to be borne on the eſcutcheon, as a puniſhment for delinquency againſt the military code, or the common good of ſociety. But abatements were uſually confined to military offences, ſuch as killing priſoners during capitulation, revoking a challenge, or flying colours; and even for ſlighter faults, as intemperate boaſting, or criminal neglect of diſcipline. In caſes of treaſon,

* The invention and arrangement of thoſe magnificent exhibitions is aſcribed to the French.

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the eſcutcheon was totally reverſed, as in that of Andrew de Harclay, Earl of Carliſle, in the reign of Edward II. and of other rebellious barons, who were led to execution, in their tabards painted with their coat armour in reverſe. Hugh de Spencer was brought from Lantriſſent Caſtle to Hereford, with equal ignominy, and on a lean horſe. It would be repugnant to that juſtice which was the characteriſtic of chivalry, to ſuppoſe that this ſtigma was ever tranſmitted to poſterity. The puniſhment was merely perſonal, on which account, we hardly know at this time that ſuch emblems were ever uſed. It is alſo to be obſerved, that thoſe who were ſentenced to wear their arms reverſed, for any offence ſhort of treaſon, ſuch as diſcourteouſly treating either maid or widow againſt her will, or flying from the ſovereign's banner, might be re-admitted to their priſtine honours, on the report of the heralds that they had done ſome act worthy of note; but this reſtitution could not be effected in a leſs public place than a camp, or at a muſter.

In ſeveral inſtances, the nobility claimed the privilege of granting arms to their eſquires, which were afterwards confirmed by the earl marſhal. Arms appear likewiſe to have been conceded by one knight to another, provided the perſon making the conceſſion had two eſcutcheons by hereditary deſcent; and they might be aſſigned by a female, who was an heir general, to her own huſband, or the huſband of her daughter, who inherited her lands; but this was before the college of heralds was formed, and their excluſive privileges confirmed.

The uſe of armorial bearings being thus eſtabliſhed, the conſervation of their purity became the care, not only of families intereſted, but of the earl marſhal, the official heralds, and ſubſequently of a college, of all which an account will be given below; but firſt it may be proper to notice ſome general circumſtances incident to the ſubject.

The reign of Edward III. was on all accounts favourable to that ſpirit which is ſhewn in the acquirement and preſervation of coat armour, the perſonal character of the monarch, and his ſon the Black Prince, the ſplendour of the court, the ſucceſs of the nation in foreign wars, and the high eſtimation in which chivalry and its honours were held, gave the faireſt and moſt ſplendid colouring to the military paſſion, and all its ornaments.

In the reign of Richard II., armorial bearings were more widely, though leſs honourably, diffuſed. That monarch, effeminate and luxurious, indulged himſelf more particularly in the fopperies of dreſs. The armorial device was no longer confined to the gorgeous array of warriors completely armed, but emboſſed and embroidered on the common habits of thoſe who attended

attended his sumptuous court. Upon the mantle, the surcoat, and the *just au corps*, or bodice, the charge and cognizance of the wearer were profusely scattered, and shone resplendent in tissue and beaten gold. The wardrobe of a nobleman became no small part of his wealth, the articles of which were subjects of testamentary bequest; a fashion which, in the succeeding century, prevailed to a still greater excess. Crests and cognizances in his time were multiplied, and supporters, analogous to the bearing or cognizance generally introduced. This great variety of devices was, in this reign, and those of the monarchs immediately succeeding, employed in every habit of magnificence in dress, extending even to purses; in household furniture, canopies of state, compartments on wainscots, and stained glass on windows, both of houses and churches. They were emblazoned on vellum rolls, and used in compliment to the patrons of literature in illuminated copies of books, and were eminently conspicuous in canopies of state, and all public processions. On seals they had long been used; Richard Cœur de Lion first bore them on his shield; Edward I. on the caparison of his horses; and Richard II. introduced the custom of embroidering arms on the *just au corps*, and has his cognizance, a white hart couchant beneath a tree, which supports his escutcheons. Henry V. added divers other shields, disposed in different parts of the tabernacle work of his seal, as those of St. George, and Edward the Confessor. His son Henry VI. adopted his mode of emblazoning the arms of France, with three fleurs de lys only.

Henry V. the gallant conqueror of France, was liberal in the distribution of honours to those who distinguished themselves in the field, particularly at the battle of Agincourt; but he was proportionately jealous in guarding that distinction, which he destined to be the reward of valour, from degradation by the usurpation of unworthy pretenders. During the contentions of the houses of York and Lancaster, arms were universally used, and most religiously and pertinaciously maintained. The great families, from the period of their being first ennobled, had branched out into many collateral houses, who were distinguished by the usual marks of filiation, and by differences. In many instances, however, these were found insufficient to denote a separation; and, as it frequently happened that some branches were engaged in opposite parties, they were the more willingly led to relinquish their paternal, and to introduce a new device.

To bear arms had now been for several centuries the indispensable indication of acquired or hereditary honour. In the field of battle, or the lists, the escutcheon gave unequivocal

information of the bearer, not only with reſpect of his paternal deſcent; but to his lineal agnation. Soon after hereditary coat armour became ſo generally adopted, an imperfection preſented itſelf, to remedy which, further inventions were neceſſary; for it was allowed in the court of chivalry, that all the ſons of an eſquire might appropriate their father's device. Confuſion of perſons was the reſult of this indulgence, which could be avoided only by the application of ſpecific marks, incorporated with the patrimonial bearings. Deſcendants of illuſtrious families began therefore to make a variation from the ſimple ordinary which they at firſt bore, by adding ſeveral different charges. In proceſs of time, theſe collateral branches often relinquiſhed their patronymic, and aſſumed the name of an acquired ſeigniory, yet, in ſome inſtances, the affinity is ſtill to be diſcovered by the armorial bearing, after it had ceaſed to be known by identity of ſurname. The ſcience now began to be underſtood and ſubjected to intelligible rules, and its permanency was ſecured by Richard III. who founded the College of Heralds.

In the reign of Henry VIII., eſpecially in the early part, the pomp of chivalry was aſſiduouſly cultivated, and armorial ornaments uſed on all occaſions with unexampled profuſion, but the progreſs of heraldic knowledge rendering the fiction and fabrication of arms which appeared honourable without interfering with the rights of others, eaſy, the reſpect paid to them was gradually, but irrecoverably impaired, and this effect was augmented, if not principally occaſioned, by thoſe changes in the character and manners of the kingdom which were produced by the weakening of the feudal ſeignories, the ſpirit of commercial adventure, which was invigorated by the diſcovery of the new world; and the reformation, which occaſioned ſo many important alterations in the domeſtic manners of the nation.

In the reign of Elizabeth, heraldic information was much extended, and the queen gave every encouragement to tilts and haſtiludes; but theſe exhibitions were altered, and, in the opinion of many, degraded by the introduction of ſeveral variations from the ancient manner of celebrating tournaments, particularly in the armour and decorations of the combatants. Theſe were ſaid to be derived from Italy, and conſiſted principally in changing the eſcutcheon and cognizance for the impreſs and motto, the former conſiſting of an emblem characteriſtic of the bearer, and its meaning explained by a ſentence, which to render it ſtill more myſterious, was ſometimes imperfect. The old aſſault by man againſt man was alſo changed occaſionally, for the attack and defence of a caſtle; but ſtill there was

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in them a great portion of prowefs and enterprize, and they were conducted with great ceremony and magnificence. The queen herfelf fupported and encouraged the domeftic fplendour of the nation by the moft gorgeous pageantries. Her perfon was never expofed to the fight of her admiring fubjects, but the poetic regions were unpeopled to hail her approach, and every foppery was exhibited which the combined force of claffical and gothic imagery could fupply. Thefe fhould yet be confidered as additions to the ftock of public amufement, originating in that love of rude fplendour which characterifed the age, and not as tending to the exclufion of heraldic ceremonies, which ftill retained their ftation on occafions of ancient eftablifhment. More particularly were they obferved at folemn interments of the nobility; which were conducted with pompuous folemnity, and under the immediate auſpices of the herald's college.

In the enfuing reign, Henry, Prince of Wales, revived the dormant fpirit which firft animated the exercifes of chivalry; but with its illuftrious and too fhort-lived patron, the fpirit fled to return no more.

During the times of James I., the cuftom began of drawing out the pedigrees of families on vellum rolls, with illuminations and emblazoned efcutcheons, authenticated by the office feal and fignature of the king of arms of the province. In tapeftry alfo the armorial bearings of families were emblazoned, and fuperfeded the old fafhion of fufpending fhields from hooks, or painting the arms on wainfcots.

From this period the hiftory of arms belongs rather to the heralds office than to any fphere of more general extent; the right to coat armour being ascertained or little contended, and the modes of exhibiting it rarely affected by the will of the fovereign, or the changes of fafhion. It may however be worthy of remark, that the Republican revolution in this country which terminated the unhappy reign of the firft Charles, was not attended with any circumftance prejudicial to the records of anceftry, or the original meeds of worth and valour. How different from the revolution in France, where the malice of an infuriate populace was firft directed againft the records and archives of nobility, which were uniformly obliterated and deftroyed. But Cromwell, though an ufurper of fupreme authority, was a gentleman, and many officers in the Republican army were not the mere upftarts of the day, but derived from honourable anceftry. Thefe, as well as the protector, although ready to decry royalty, and thofe claims of fuperiority in point of blood, which made their opponents regard them with fo much contempt, were fomewhat oftenta-

tious in the diſplay of thoſe emblems of gentility which had been conferred on their anceſtors under the ſyſtem which they had overthrown. No ſooner had Cromwell gained the ſupreme command of the army, than his bannerols exhibited his paternal bearings, amplified with numerous quarterings; and when he obtained the protectorate, the national enſigns were ſubſtituted for thoſe of royalty; but the eſcutcheon of Cromwell was invariably placed in the centre, both upon his ſtandards and coins. Many commanders in the Republican army retained the bearings of their families, and bore them upon pennons; they had likewiſe a large ſquare banner, upon which was painted a device and motto, both which deſcribed or alluded to the principles of the cauſe they had undertaken to defend, and were expreſſive of the fanatic ſpirit by which they were actuated. Thoſe who were intitled to bear coat armour did not fail to exhibit it, but the typical banner was in more general uſe.

It will not be expected that in a work like this, even an outline ſhall be given of the varieties and ſignifications of armorial diſtinctions; they are the ſubject of many copious and learned treatiſes, which no abridgment could enable the reader to comprehend, and which derive from the illuſtrations of the pencil a more complete intelligibility than could be furniſhed by the moſt laboured verbal details. In general, it may ſuffice to ſay, that the deſire to preſerve and publicly to indicate the anceſtry from which individuals are derived has been the great cauſe of all the labour and ſkill diſplayed by the herald. Many nations, antecedent to the modern inhabitants of Europe, preſerved with ſcrupulous exactneſs evidences of genealogy. In England, written narratives, originally compiled by the monks, in compliment to their founders, or other noble families, to whom they were obliged, furniſhed the firſt information on this point; the increaſing diligence and ſagacity of ſucceeding times amplified and methodized their mode of giving information, and tables of pedigree were formed with an accurate detail of all the collateral and incidental connexions of families. The forms of coat armour, as the ſcience of heraldry advanced towards perfection, were a pictured deſcription of the hiſtory of deſcent, not leſs legible by the adept, than the written document was by the ordinary ſcholar. The arms, quarterings, cognizances, creſts and ſupporters, all ſpeak to the herald a diſtinct language, denoting the original family of the bearer; his deſcent from the male or female branch; his connexion by marriage, and his peculiar addition.

Nor are armorial bearings confined to individuals or families, they are given to bodies corporate, whether civil or religious, to towns, churches, colleges, halls, and chartered companies.

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The cuſtom of aſſigning to eccleſiaſtical perſons and communities a proper ſeal of arms is very ancient, and it probably aroſe from the neceſſity of giving authenticity to public acts of the body, by an indiſputable voucher. Theſe arms were generally, though not always, thoſe of the founder; for as men of good family, in proceſs of time, made themſelves monks, it was moſt natural that they ſhould introduce the devices of their own relatives, wherever an opportunity occurred, and theſe frequently were ſculptured and painted on the ſtone, the wood, and the glaſs work of churches and convents. At the reformation, monaſtic corporations being ſuppreſſed, the eſcutcheons of arms which belonged to them were given to the few remaining eccleſiaſtical bodies, to cities, and corporate towns, and to guilds and companies of merchants and mechanics.

Neceſſarily connected with the inquiry concerning the uſe of arms and family diſtinctions, is the ſubject of ſurnames; but the origin and derivation of theſe are widely various, and frequently doubtful. The uſe of ſurnames was common among the Romans and Saxons, but no ſucceſsful effort can be made to trace thoſe of England higher than the Norman conqueſt. Copies, varying indeed conſiderably, both in orthography and numbers, are preſerved of the muſter rolls of William's army, and they are ſufficient to ſupport the opinion that the original ſurnames moſt known among the ſuperior families in this country were derived from the officers who ſhared in the toils and benefits of that exploit. Some of theſe were taken from places in Normandy or other parts with the French article, *de*, *du*, *des*, or *de la* prefixed; ſome were the appellatives of ſaints, ſome the name of an office, and others the chriſtian name of a parent or other anceſtor, and with the introductory adjunct, *fitz*. In ſucceeding reigns the influx of foreigners was very conſiderable, not from Normandy alone, but various other provinces. The Norman ſurnames were obſerved to begin with the articles already mentioned, and the ſyllables, *beau*, *ſaint*, and *fitz*, having their termination frequently in *ville*, and among their component ſyllables *champs*, *mont*, and *mont*; the names of perſons from Anjou terminated in *here*, thoſe of Guienne in *ac*, and of Picardy in *cour*. Theſe perſons obtaining poſſeſſions in England, and the Anglo-Saxon gentry who could retain or acquire any, began ſoon to aſſume Engliſh names taken from the ſituation or nature of their property. Hence the adage:

In *foord*, in *ham*, in *ley* and *tun*,
The moſt of Engliſh ſurnames run.

But beſide theſe, many names derived from places have terminations in other ſyllables, as *by*, *bury*, *borough*, *den*, *down*, *field*, *hill*, *hurſt*, *ing*, *land*, *low*, *ſted*, *ter*, *try*, *thorp*, *well*, *worth*, and *wick*. In proceſs of time, when ſurnames were more generally aſſumed, thoſe taken from places were more numerous, and ſometimes originated in circumſtances ſo common, that many familes not in the remoteſt degree related, had the ſame name: thus Weſton, Eaſton, Sutton and Norton, would be found in all parts of the kingdom, and frequently in various parts of the ſame county, where the fancy of individuals led them to connect the points of the compaſs with the word town. Several counties have names predominant, as in Kent, thoſe which terminate in *wood*, and *hurſt*, which in the old language are ſynonimous; and in Cornwall thoſe which are compoſed with the ſyllables *tre*, *pol*, and *pen*, ſignifying reſpectively, in the dialect of the county, *town*, *head*, and *top*.

When the progreſs of commerce diffuſed wealth and its concomitant feelings more widely, ſurnames deſcended to the lower orders, but theſe were very diſtinct from thoſe aſſumed by the proprietors of lands. The names, emperor, king, duke, earl, baron, biſhop, abbot, prieſt, deacon, eſquire and gentleman, adopted to diſtinguiſh families, Camden thinks, were borrowed from the firſt uſers of them having acted or perſonated ſuch characters in the ancient Chriſtmas games, eſpecially the ſecular names. Some clerical names might have been aſſumed by perſons whoſe parents, when widowers, became members of the church, and gained a particular office in it, giving that as a ſurname to their children, in remembrance of the circumſtance; or perhaps, ſuch who took theſe names held under thoſe who bore the titles. But as the names of trades, or of offices, could not ſuit all, every thing elſe that even fancy could dictate was adopted for ſurnames, as the names of quadrupeds, birds, fiſhes, inſects, trees, ſhrubs, flowers, rivers, colours, metals, minerals, and whatever elſe preſented itſelf, as hedge, wall, houſe, wood, highway; implements of houſehold furniture, or agriculture, properties of body or mind, the baptiſmal name of the father, whether Britiſh, Saxon, Daniſh, or Norman, or its abreviation with the word *ſon* added to it. Sometimes that of their mother; even cant or nicknames. Some, in remembrance of their origin, took the names of French, Scot, Welch, Briton, Pickard, &c. generally with the article *le*, if of continental deſcent. Warlike inſtruments, parts of dreſs, diviſions of time, diviſions of money, and almoſt every thing elſe that could be adopted; nay even what ſeemed to mark their poſterity with diſgrace, ſuch as gallows, bad, and others too indelicate and groſs to mention. Names derived

from

from that of the parent, by adding the termination *ſon*, are common, and, according to the genius of the Engliſh language, ſuſceptible of much variety; thus from William with its various diminutives may be derived Williamſon, Wilſon, Bilſon, Williſon, Wilkins, and Wilkinſon.

Names of trades and offices were naturally aſſumed as patronymies, and the enſigns of theſe occaſionally formed the armorial bearings of the parties, when they were ſufficiently elevated to bear coat armour. This bad taſte, pardonable only in a few inſtances, prevailed at one period in ſo great a degree, that every coat of arms or heraldic cognizance was expected to contain a ſort of punning explanation of the wearer's name. Thus Bolton was delineated by an arrow, (*bolt*) in a tun, and ſir Peter le Vele, in 1350, bore calves as his enſign. This diſgraceful frivolity yielded in time to the force of ridicule, but punning mottos, though often expoſed by ancient and modern ſatyriſts, are not unuſual.

The College of Heralds, to which the care and deciſion of all matters relating to family diſtinction are now conſigned, originated, as its name denotes, in an incorporation of the heralds and other officers of arms who had exiſted long before, but in a detached and unconnected ſtate.

The cuſtom of retaining heralds and purſuivants at arms, in the ſervice, not only of crowned heads, but of noble and illuſtrious families, prevailed in England, as in other countries of Europe, from an uncertain period. There was however this diſtinction; the purſuivant could be appointed at the option of his patron, and might be created by any prince, duke, earl, baron or military leader; but the herald at arms could not be made, without the aſſent of the king, and it was underſtood that this aſſent could not be obtained unleſs at the ſuit of a nobleman of ſuch great antiquity, that memory could hardly trace the origin of his dignity; and for this difficulty the reaſon aſſigned was, that if the herald by any miſdemeanour occaſioned prejudice or injury to the king or country, his patron might be able to afford amends, and for this cauſe too it was not unuſual to find ſureties or pledges for thoſe who were propoſed for that office.

How far the office of heralds in England was analogous to, or diſtinct from, that of the Κηρυκες and *Fœciales* of the ancients, remains a matter of inquiry. The origin of both may have been the ſame. For the purpoſe of declaring war or peace, and of propoſing a federal connexion betwee nnations, ſome of the moſt aged and venerable of the army were ſelected, whoſe peculiar function it was to ſuperintend theſe affairs, and whoſe ſtations were eſteemed of the higheſt reſpectability.

The title herald of arms does not imply that these officers fought or directed the battle; on the contrary, they were expressly restrained from using, or even wearing, arms fit for offence. They were a sort of military embassadors; they proclaimed the war, carried defiances, and were bearers of the messages of the generals; they summoned towns, and, in case of capitulation, marched before the vanquished governor, to protect him from violence. The heralds appointed the times and places of pitched battles, but they, together with the clergy, retired to a remote part of the field during the engagement, and neither party offered them any injury. After the battle, the heralds belonging to the vanquished were not made prisoners, but allowed liberty to view the field, in order to ascertain the names and ranks of the slain, which they alone could do who understood their armorial bearings, and afterwards to depart, without restraint on their freedom. The herald was essential at coronations, royal marriages, baptisms, and funerals, at the interviews of sovereigns and princes, displaying banners in the field, public banquets, and processions, during the royal progresses, and at the annual festivals of the church. He assisted at justs, tilts, tournaments, and combats; and in every thing else in which the English monarchs were personally concerned, upon whom he constantly attended, whether they were in the court or in the camp, in Britain or on the continent; proclaimed the titles of the royal visitants, princes, and nobility, illustrious ladies, great officers of state, who dined in the courts of the sovereign, which at stated times all such were accustomed to do; each of whom, according to his rank and office, gave a fee or reward, but the amount was optional, being regulated chiefly by the wealth and liberality of the donor. Fees were also paid to the herald, for attending at the enthronization of bishops; and of all these largesses a register was kept. To the herald belonged the ordering of every thing relative to the genealogies and armorial bearings of the nobility and gentry, he being impowered to enforce the production of every thing necessary for grounding proper decisions in all doubtful cases. Heralds presided at, and marshalled the solemn and magnificent funerals, which were general in the fifteenth and sixteenth centuries, and so sumptuous, that they materially injured the families whose honour they were intended to promote. The exact form of these obsequies was prescribed in the reign of Edward IV. Noblemen's funerals were attended by their own heralds in a tabard of his arms reversed. The royal officers at arms also were there, not in tabards bearing the arms of the sovereign, but those of the deceased. These ceremonials were so long and pompous, that they afforded ample employment for

for many of the heraldic body who aſſiſted. So fond of funeral rites were our anceſtors, that the obſequies of princes were obſerved by the ſovereigns in alliance with them, in the ſame ſtate as if the royal corpſe had been conveyed from one chriſtian kingdom to another; and exalted individuals below the rank of ſovereigns had their obſequies kept in various places, where they had particular connexions from reſidence. The heralds are ſaid by a profound and claſſical antiquary to have contributed in no ſmall proportion to the literature of this era, by their compoſitions both in proſe and rhyme; "As it was their "duty to attend their maſters in battle, they were enabled to "record the moſt important tranſactions of the field with "fidelity. It was cuſtomary to appoint none to this office "but perſons of addreſs, diſcernment, experience, and ſome "degree of education. At ſolemn tournaments, they made "an eſſential part of the ceremony. Here they had an oppor-"tunity of obſerving accoutrements, armorial diſtinctions, "the number and appearance of the ſpectators, to the beſt "advantage; and they were afterwards obliged to compile a "regiſter of this ſtrange mixture of foppery and ferocity. "They travelled into different countries, and ſaw the faſhions "of foreign tournaments." The inſtitution both of ancient and modern heralds tended to the ſame end; but in the feudal times a diſtinct province was committed to the latter, that of being the guardians and legiſlators of armorial rights. This power was delegated to them, according to tradition, as early as the reign of Edward I., and with certainty about this period, as records are extant of immunities and ſalaries given to kings and officers of arms, which afterward were more accurately ſettled, and received the royal confirmation. To aſcertain and arrange bearings already uſed by different families, was not their ſole employment, as they had obtained a privilege of inventing devices for thoſe who had newly been advanced to conſequence. As the heralds were the inventors and maſters of all ceremonies, they applied to their own admiſſion into office many of a peculiar kind, with oaths to be reſpectively taken by each, pledging himſelf to the ſacred obſervance of his function. In theſe, chivalry breathed a moral and mild ſpirit, in injunctions of the ſimpleſt conſtruction and of the moſt ſolemn obligation. The character of herald was not only conſidered reſpectable, but indelible; the title was one of worſhip, granted for life; and if the perſon who poſſeſſed it was guilty of any crime deſerving death or infamous expoſure, he was, before the infliction of ſentence, degraded from his character which might otherwiſe ſuffer diſgrace in his perſon.

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The character of purſuivant has ſometimes been confounded with that of herald, but it is in many reſpects different; it varied as that of eſquire does from knight, or novice from monk; it was not equally high in reſpect, nor was it indelible: a herald once duly ſworn could by no means ceaſe to be a herald, not even, it is ſaid, by becoming a knight; but a purſuivant might at pleaſure renounce his deſtination if his attachment to it ceaſed.

Heralds were in ancient times, dreſſed without arms or offenſive weapons of any kind, and in war were bare headed, except a fillet of azure ſilk worn for the ſake of diſtinction, or according to the fanciful genius of thoſe days, in token that with them reſided perpetual and firm truth, with a white circle or chaplet, indicating humility and love. Their dreſs was the tabard, or coat of arms, properly ſo called, which at an early period was, as already has been ſaid, the dreſs of courtiers; it was a ſhort coat with open ſleeves, in the form of eſcutcheons joined together, in which heralds had the arms of their country properly emblazoned: ſuch is their dreſs of ceremony to this day, but in old times, they were allowed in the field of battle to wear a coat of mail under it, as a protection againſt undeſigned injuries. Theſe tabards the heralds wore, as their maſters were uſed, in battle and at tournaments; but the purſuivants, being novices, wore theirs tranſverſely, that the parts repreſenting ſleeves lay on the back and breaſt of the wearer; a diſtinction which made them conſpicuous, even at a great diſtance. There were ſeveral other differences between their dreſs and that of heralds; and even at preſent, although the tranſpoſition of the tabard is diſcontinued, heralds have collars of S. S. which purſuivants have not. The tabard was conſidered, in ancient times, a ſufficient guaranty to the perſon of the wearer, however acrimonious the ſovereigns between whom they were employed might be againſt each other, or whatever matter of irritation might be contained in the meſſage they were charged to deliver; and a herald to whom a ſafe conduct in writing, or an eſcort has been given, has been known to proteſt againſt either, as ſeeming to imply a doubt of the ſufficiency of his official protection.

In the glorious reign of Edward III., the heralds firſt acquired, as a body, the right to decide, officially, reſpecting rights of arms and claims of deſcent; but although their character was highly reſpected, and their miniſtry implicitly ſanctioned, and there are reaſons to believe that they were known as a corporation, they had not the advantages of a regular local eſtabliſhment, till the time of Richard III. With whatever juſtice this ſhort-lived uſurper may be vilified for the means

by which he obtained the crown, he ſhewed, in many inſtances, a clear diſcernment of the true intereſts of his country; and heraldry owes more to him than to any other monarch. Poſſeſſed of the greateſt perſonal bravery, he was from his infancy nurtured in war, and attached to military purſuits; and was, more eſpecially, ambitious of preſerving the hereditary dignity and ſuperior claims of the "White Roſe." He ſupported at his own charge Richard Campneys, falcon-herald, whom, on his acceſſion, he created Glouceſter king of arms, and at whoſe inſtance he was further induced to grant to the body of heralds immunities of great importance.

By his letters patent dated March 2, 1483, the firſt of his reign, he directed the incorporation of heralds, aſſigning for their habitation a manſion which had belonged to Henry Holland, Duke of Exeter, called Pultney's Inn, in Cold Harbour, and ſituate in the pariſh of All Saints, London; and it is called by Stowe, in his Survey, "a right fair and ſtately houſe." Of this abode they were diſpoſſeſſed by Henry VII. and obliged to take ſhelter in the hoſpital of Roncivalle, near Charing-croſs; nor did they obtain a more eligible dwelling, till Philip and Mary, perfecting an intention which death had prevented Edward VI. from accompliſhing, incorporated them anew, and aſſigned to them a capital meſſuage, called Derby Place, purchaſed from the earl, its proprietor, in exchange for certain lands in the county of Lancaſter, and ſituated in the pariſhes of St. Bennet and St. Peter, London, being the place where the college of arms now ſtands. The original edifice was a prey to the conflagration in 1666, but the records were ſaved, and the houſe re-eſtabliſhed, partly by public ſubſcription, partly by a reſervation from the fees of the office, or the contribution of the members, and ſome portions were erected at the coſt of the individuals, who were for their lives to inhabit them.

Before the heralds were incorporated and aſſembled in a collegiate capacity, they were conſtantly attendant on the court, as the king's houſehold ſervants, and exerciſed a ſpecial juriſdiction in all matters of chivalrous concern. The college conſiſted of three claſſes or degrees, king of arms, heralds, and purſuivants. The number of each of theſe claſſes was occaſionally increaſed by many ſovereigns; ſo that from the reign of Edward III. to that of Elizabeth, many kings of arms, heralds, and purſuivants were at different times created or reſtored, and ſubſequently aboliſhed or diſcontinued. The number of the preſent college is thirteen, namely,

Three *Kings*,—Garter principal, Clarenceux, and Norroy.

Six *Heralds*,—Windſor, Cheſter, York, Somerſet, Richmond, and Lancaſter; and

Four

Four *Purſuivants*,—Rouge croix, blue mantle, rouge dragon, and port-cullis.

They are all appointed to their places by nomination of the earl marſhal; by him they are conſidered as miniſters ſubordinate to him; but they hold by patent, during good behaviour, and being the king's ſervants in ordinary, although not merely ſo, for they are likewiſe officers of the crown, they may, in the vacancy of the office of earl marſhal, be ſworn by the lord chamberlain. It was held, in old times, that no one could attain the higher ranks of this fraternity without regular gradation through the lower; but the contrary was decided in Weſtminſter Hall.

Since the eſtabliſhment of the Herald's College, the authorities and functions of their body have become more fixed and determinate, and were for ſome time exerciſed with great vigour; but long before the days of Richard III. they held a regular chapter, in their collegiate capacity, at the ſiege of Rouen, in January 1420, when the outline of a code of conſtitution for regulating their juriſdiction was formed and approved.

Earl Marshal. In times antecedent, as well as ſubſequent, to the eſtabliſhment of the college, writs or edicts were iſſued to try the titles of perſons pretending to armorial diſtinction. By one of theſe, in 1416, 7 Henry IV. the ſheriff of every county was ordered to ſummon all perſons bearing arms to prove and eſtabliſh their rights, to the intent that none, of whatever degree, might aſſume names or coat armour, without being entitled to thoſe diſtinctions by anceſtry, or by the donation of ſome one in that behalf ſufficiently qualified; and many conteſted claims were referred to the heralds. But the beſt and moſt effectual mode of trying theſe claims was in the court of chivalry, or by commiſſions iſſuing from it; which court was firſt held under the lord high conſtable and earl marſhal jointly, and, ſubſequently, under the latter officer alone. The court of chivalry was formed by impannelling twenty-four knights as a jury, over whom the earl marſhal preſided as judge, and before whom the heralds occaſionally pleaded as advocates. Sometimes the deciſion was made by judicial duel; ſometimes a verdict, or judgment was delivered on the examination of evidence, parol and written, and hearing of the arguments; and the deciſion was, in old times, final, though ſubſequent appeals to the court of King's Bench undermined, and, in time, ſuſpended, though they have not formally deſtroyed, the authority of the earl marſhal's court. During the plenitude of his authority, the earl marſhal had power to ſummon the heralds to aſſiſt him in conducting cauſes, and to give orders for their making viſitations of counties, to inquire into the legal claimants, both

of

of eſtates and honours, and to aſcertain and ſettle genealogy. Such viſitations were made in the reigns of Henry IV. Edward IV. Henry VII.; and in 1528 a commiſſion was iſſued for the viſitation of certain counties by one of the kings of arms, which was renewed every twenty-five or thirty years, to the great ſatisfaction of the gentry, who encouraged the plan by liberal communications. The heralds were, at that time, inveſted with authorities commenſurate to their taſk; the commiſſion under which they proceeded was full and explicit, empowering them to correct all falſe creſts, arms, and cognizances; to take notice of deſcents, and to reform all ſuch as were diſobedient to the orders for funerals ſet forth by Henry VII. They were empowered to employ the conſtables, and other civil officers, in diſtributing notices, and citing the gentry to eſtabliſh their claims to arms; thoſe who refuſed to obey theſe citations were to anſwer for it, on lawful monition, before the earl marſhal; the heralds were to levy fines on delinquents at pleaſure; and the other courts acknowledged them ſo far as to renounce juriſdiction over their perſons on the claim of the earl marſhal. Their efforts were uſeful in recording the eſtabliſhment and ſeparation of junior branches of families, and aſſigning to them ſuch bearings as their circumſtances required; and if any doubts aroſe, or parties, through neglect or contumacy, refuſed to attend their ſummons, the pedigree was inſerted in the report of the heralds, but the arms omitted, till further proofs, or till the party neglecting thought fit to appear; but in ſome caſes, contumacy was deemed a renunciation of the right to arms, binding not only the individual, but his deſcendants, for ever. As the ſuppreſſion of monaſteries, and the relaxation of the feudal ſyſtem, facilitated the acquiſition of landed property, the new poſſeſſors, becoming anxious for the honours uſually annexed to land, made application to the heralds, who had authority, and were accuſtomed, for fees, to grant them ſuch bearings as they conſidered appropriate. To this practice there could in reaſon be no objection, ſince all ſuch rights muſt have ſome origin, and an authentic donation is much more creditable, as well as certain, than an uſurpation, of whatever continuance; but yet, ſo dangerous is conteſt or doubt in a matter relating merely to public opinion, that perhaps this circumſtance, more than any other, tended to render the people in general indifferent to the proceedings of the heralds. The facility with which arms were purchaſed, induced many to aſſume them without even that ſanction; and impoſtors, pretending to be delegated from the heralds, obtained money from the ambitious and credulous, under pretence of conſigning to them theſe diſtinctions. In ſome caſes, the impoſtors were puniſhed w

the pillory and loſs of ears, but againſt thoſe who aſſumed arms without warrant, the authority of the court of chivalry was too feeble to afford ſuch redreſs as would operate as an example; nor did the court of King's Bench lend ready or vigorous aid, to repreſs a ſpecies of offence which was not eaſily reducible to any known definition of crime. The very exiſtence of the court of chivalry was decried as a public grievance, in the reign of Charles I. by Mr. Hyde, afterward Lord Chancellor Clarendon, who related ſome ſtriking inſtances of its tyranny and abſurdity; an attempt was made at the reſtoration to re-eſtabliſh its juriſdiction, but no conſiderable effect was produced, and it remains at this time, in a ſtate of recorded exiſtence, though of virtual abolition.

The earl marſhal is the eighth great officer of ſtate. This office, till it was made hereditary, always paſſed by grant from the king, and never was held by tenure or ſerjeanty by any ſubject, as the offices of lord high ſteward and lord high conſtable were ſometimes held. The title is perſonal; the office honorary and officiary. They were formerly ſtyled lord marſhall only, until Richard II. June 20, 1397, granted letters patent to Thomas Mowbray, Earl of Nottingham, and to the heirs male of his body, by the name and ſtyle of earl marſhal; and further, gave them power to bear in their hand a gold truncheon, enamelled with black at each end, having at the upper end the king's arms engraven, and at the lower end their own arms. James I. by letters patent, dated Auguſt 29, 1622, conſtituted Thomas Howard, Earl of Arundel and Surrey, earl marſhal for life; and, the next year, the ſame king granted (with the advice of the privy council) letters patent, wherein it was declared, that during the vacancy of the office of lord high conſtable of England, the earl marſhal had the like juriſdiction in the court of chivalry, as both conſtable and marſhal jointly ever exerciſed. On the 19th of October 1672, Charles II. granted to Henry Lord Howard, and the heirs male of his body, the office and dignity of earl marſhal of England, with power to execute the ſame by deputy, with a ſalary of 20*l.* *per annum*; and in caſe of default of heirs male, the deſcent was limited to collateral branches; conſequently one of the titles of the Duke of Norfolk is that of hereditary earl marſhal.

KINGS OF ARMS. The provincial kings of arms were anciently ſtyled *reges heraldorum*; but in the reign of Henry IV. they began to change it to *reges armorum*. The title aſſumed by theſe officers was uſed by claſſical authors in a ſenſe ſomewhat equivalent, as *rex ſacrificus*, *rex ſacrorum*, among the Athenians; and *rex ærariæ*, *rex vini*, *rex pueritiæ*, among the Romans. To this origin might reaſonably be referred the title of king of arms;

arms; but it is thought probable that its application to the ſuperior heralds was borrowed from the word *roy*, which was, in the times when they received the denomination, aſcribed to the chief or principal in many offices and ſituations. The French uſed the word *roy* and *rex*, as referring to the principal, the governor, the judge, the viſitor, the ſupreme, the preſident, or chief of many profeſſions, arts, or communities, as well on a ſerious as a jocular account. Minſtrels, poets, and jugglers received the title, and even thoſe to whom the powers of viſiting and ſuperintending certain trades were given, and thoſe who excelled in certain arts or myſteries, were termed kings, as king of the mercers, king of the croſs-bow-men, and king of all trades. To theſe the author, from whom the above opinion is quoted, adds a great variety of other inſtances, including even the kings at cards and cheſs, and the momentary monarch of twelfth-day, and then proceeds: "Whoever has the patience "to read over this tedious catalogue of kings, the geography of "whoſe realms cannot eaſily be found out, will not be ſur-"prized, that, anſwerable to this cuſtom, the principal, or "chiefs of the heralds ſhould be denominated by this epithet, "eſpecially when they recollect that their creation is by pom-"pous ceremonies ſomewhat alluſive to coronations of ſove-"reign princes, receiving at that time crowns, and the chief "of them a ſceptre, being anointed (if it may be ſaid) by pour-"ing wine on their heads, and robed with the royal military "habit, or ſurcoat of arms of the king, and the titles of their "kingdoms, provinces, or marches given them, or rather of the "perſons living within them, being (as a learned author ob-"ſerves) the ſtatue of the king, or, in the words of another, the "ſhadow of royalty, and repreſentative of majeſty."

The inſtitution of provincial kings of arms is as ancient as the time of Edward III. who divided the kingdom into two provinces; all on the eaſt, weſt, and ſouth ſides of the river Trent he gave to one king of arms, who was thence called Surroy, or Southroy, and all on the north of that river was put under Norroy, or Northroy, king of arms; this latter name is ſtill retained, the former is loſt. But long before then, as far back as the reign of Edward I. it is ſuppoſed there was Guidnne, king of arms, who perhaps had the province of Southroy, or Surroy.

The creation of the kings of arms is in fact performed with much ceremony. It takes place at the college, before the earl marſhal, who is ſeated at the upper end of the hall with his ſtaff of office in his hand, a little table placed toward his left, on which are a velvet cuſhion and an open Bible, and cuſhions at his feet for the perſons to be created and their ſupporters to

kneel

kneel on. The officers, having habited themſelves in the library, form a proceſſion, making their obeiſances to the earl marſhal, who cauſes the patent for the creation to be read. At the words of creation, the coat of arms and collar of S. S. are put on, and at that part of the patent which aſſigns to the king his name, wine is poured by the earl marſhal on his head. The oath adminiſtered is long and explicit, binding the individual to aim at promoting the honour of his ſovereign, to acquire knowledge and experience in his office, and to communicate it freely to purſuivants and heralds, and to avoid diſgraceful places of reſort. The perſon ſwearing kiſſes the Bible and the croſs of the hilt of a ſword belonging to the college, and which, in the reign of Henry VIII., was taken by the earl of Surry, afterwards duke of Norfolk, from James V. king of Scotland, at the battle of Flodden Field. The ceremonies vary but ſlightly in the creation of all the three kings; they all have tabards, wear crowns, carry ſceptres, and have round their necks chains and medals, all of gold, and have ſeals bearing the arms peculiar to their office impaled with their own. Heralds have ſilver collars of S. S. The great wardrobe has always ſupplied all the inſignia of their office. Anciently the kings put neither their baptiſmal nor ſurnames, but only that of their office, in their grants or public inſtruments; and, like ſovereigns, uſed the plural *we*, concluding their patents, "We, the ſaid —— king of arms, to theſe "preſent letters have put our ſeal of arms and ſign manual." In the reign of Edward IV. the names as well as office, are mentioned, and the ſingular was adopted: in that of Henry VIII. they ſubſtituted for the above concluſion "my ſeal of office and the ſeal of my arms." It is to be obſerved, that the patent, without the ceremony of creation, is ſufficient to entitle theſe officers to the exerciſe of their authorities, and receipt of their emoluments.

Garter. The office of garter, principal king of arms, was inſtituted by Henry V. He was placed by that great monarch over the whole body of heralds. He may be ſaid to have two diſtinct capacities united in his perſon; one relative to the order of the garter, the other as head of the college of heralds; and, on this account, he not only takes an oath in a chapter of the garter before the ſovereign and knights, but, as king of arms, another oath before the earl marſhal, and therefore he is ſtyled both principal officer of arms of the moſt noble order of the garter, and principal king of Engliſh arms. He has power to appoint an herald for his deputy: he muſt be a native of England, and a gentleman of blood. His duties with reſpect to the order are expreſſed in the ſtatutes of Edward VI. c. 12.; they are principally to enter in a book the names, ſurnames, and

cognizances

cognizances of every knight, to ſearch out and report to the chancellor and regiſter the valiant and noble deeds of the ſovereign and knights companions, to convey letters, report the death of knights, and obey all orders of the ſovereign and knights pertaining to the order. It was anciently held, that he was neither to be a knight nor a clergyman; but there has been one inſtance of garter having been a foreigner, and ſince the reign of Henry VII. many of them have received knighthood: one was created a knight of the bath. His office entitles him to correct errors or uſurpations in all armorial bearings, to grant arms to thoſe who deſerve them, to preſent to the houſe of Lords a genealogy of every new peer, to aſſign his place in the chamber of parliament, and to give him and the knights of the bath, ſupporters. He ranks in the order of proceſſion next before the ſword; except the conſtable or marſhal attend, and then they precede him. The officers of arms receive their oath from him. On the tabard, robes, and other articles of dreſs belonging to this officer, much learning and ingenuity have been employed, and it appears that both in their habits, and thoſe of other heralds, great varieties have prevailed according to the taſte or munificence of their ſovereigns. Garter has a rod delivered from the jewel office, which is in length about two feet, gilt at both ends, the middle being of ſilver highly burniſhed; at the upper end is a banner of gold compoſed of four ſides of equal height, but unequal breadth, on each of the two largeſt ſides, being ſomewhat more than an inch wide, is St. George's croſs impaling the ſovereign's arms; on each of the leſſer ſides, ſomewhat more than half an inch wide, the croſs of St. George ſurrounded with the garter, which is inſcribed with its motto. All theſe are curiouſly enamelled, and the top of the whole enſigned with an imperial crown. There is alſo delivered to garter from the jewel office, a collar of S.S., which is alſo allowed to each provincial king and herald with ſome diſtinctions in the form and materials, but the purſuivants have no ſuch enſign. It is ſuppoſed, theſe collars were not originally given to theſe officers with relation ſingly to their functions in the capacity of kings or heralds of arms, but as the liveries of the crown to be worn by them in teſtimony of their adminiſtration in the royal houſehold, as ſervants in that degree of worſhip, which actually conferred gentility upon them. Garter has the honourable office of carrying the enſigns of the order to foreign potentates on their being elected. He is entitled to baron's ſervice in the court, has apartments in Windſor Caſtle, 100*l.* paid out of the revenue of the garter, and 100*l.* as principal king of arms, out of the exchequer. His fees from both theſe offices are very conſiderable. He may at all times wear his

badge of office, either pendant to a gold chain or blue ribbon. It is of enamel, ſhewing St. George's croſs, impaling the royal arms within the garter, under the imperial crown of Great Britain; the ſame on both ſides. The arms of his office are, argent, St. George's croſs, upon a chief gules, a coronet or open crown, within the garter of the order, between a lion of England, and a fleur de lis or.

Clarenceux. This king of arms derives his origin, according to ſome, from Edward III., or, as others inſiſt, from Henry V. In either caſe, it is formed from the title of the duke of Clarence, third ſon of Edward, or brother of Henry. He is ſtyled in his patent, Clarenceux king of arms and principal herald of the ſouth, eaſt, and weſt parts of that part of Great Britain called England. His particular duty is to viſit his province as expreſſed in the commiſſions granted for that purpoſe; "To take knowledge, ſurvey, and view of all arms, cognizances, "creſts, and other devices of arms; of all perſons, with the "notes of their deſcents, pedigrees, and marriages; and to "regiſter the ſame according to ſuch order as is preſcribed and "ſet forth in the charge and oath taken by him at his creation "and coronation." Likewiſe to marſhal the funerals of all perſons in his province who are not under the direction of garter; and to grant arms, in his province, with the conſent of the earl marſhal. Before the inſtitution of garter, Clarenceux was the principal officer of arms; and, in the vacancy of garter, executes his office. By his patent he has a ſalary of 40*l.* per annum from the exchequer, beſide fees. The arms of Clarenceux are, argent, St. George's croſs on a chief, gules, a lion of England crowned with an open crown. The badge is the ſame, in an eſcutcheon, crowned with the crown of a king of arms, upon a green ground, on one ſide; and, on the other, the royal arms crowned on a white ground, pendant to a gold chain or ſimple ribbon.

Norroy. This office is traced back as far as the 16 Edward II. He is ſtyled in his patent Norroy king of arms, and principal herald of the north parts of that part of Great Britain called England. His duty and office are the ſame on the north of Trent as thoſe of Clarenceux on the ſouth, and he has a like ſalary and fees. The arms of his office are, argent, St. George's croſs, on a chief per pale, azure and gules, a lion of England crowned with an open crown, between a fleur de lis in pale, and a key or, which is alſo the badge of his office. In other reſpects this provincial king is like Clarenceux. All the kings of arms bear their arms in pale with their own paternal ones, crowned with a crown of a king of arms, which was formerly like thoſe uſed by dukes; but ſince the reſtoration, in commemoration

tion of Charles II. having been ſaved in an oak tree, they have been formed of oak leaves, with this motto on the outward rim, taken from ſcripture, *Miſerere mei, Deus, ſecundum magnam miſericordiam tuam.* The crowns anciently were of gold; or ſilver, or copper gilt; but they were not to be adorned with jewels, except rubies, expreſſive, as it was thought, of faithfulneſs. The kings of arms wear their crowns at all times when the peers put on their coronets. They bear their arms, ſo crowned, ſurrounded with the collar of S.S. with two portcullises.

HERALDS. Of the ancient ſtate of theſe officers mention has been made in a preceding page. They were termed of old *herehaughts*, derived, it is ſaid, from the Anglo-Saxon words *here* and *holt* or *held*, i.e. a champion to denounce war or proclaim peace. They were anciently called dukes at arms, probably becauſe they were attendants on the *dux*, or general; their office being to carry his meſſages to the enemy, repreſenting him as his embaſſadors. They are now aſſiſtants to the kings of arms, and are created with much the ſame ceremonial, only the coronet and jewel are omitted. The individual to be created is introduced by two heralds, as the kings are by two kings of arms. It is now cuſtomary to give them names from places; but, formerly, they received them from ſome animal, which the ſovereign uſed as a creſt, ſupporter, or cognizance. They were, in ancient times, indefinite as to number; they are now confined to ſix only. They are eſquires by creation, if not ſo before their admiſſion into office. Anciently their character was indelible, and they could only ceaſe to be heralds when promoted kings of arms; and they always take precedency according to ſeniority, even though a junior ſhould be knighted, becauſe they are a body corporate.

WINDSOR, was founded by Edward III., and the title was always a favourite with his ſucceſſors.

CHESTER, is a title of very ancient ſtanding, being referred to as already in exiſtence in the reign of Richard II. It was Cheſter herald who, in 1415, demanded the kingdom of France.

YORK, was inſtituted, according to the moſt probable accounts, by Edward IV., though ſome aſcribe it to Richard III. The title owed its origin undoubtedly to a prince of the white roſe.

SOMERSET, was erected into a royal office in the ninth year of Henry VII., in honour of the houſe of Somerſet, from which he deſcended.

RICHMOND, was appointed by the ſame monarch in honour of his original earldom; at firſt he was a king of arms, but afterwards declined into a herald.

LANCASTER, was eſtabliſhed by Henry IV., and ſuppreſſed by Edward IV., but revived by the Lancaſtrian Henry VII.

PURSUIVANTS. This name is derived from the French *pourſuivre*, to purſue. They who had this office were formerly public meſſengers, to attend on the ſovereign in his wars, at the council table, and in the exchequer, as well as to be ſent on civil commiſſions, or to apprehend criminals of ſtate. The purſuivants in France were generally diſtinguiſhed by their *noms de guerre* or *ſobriquets*, as, *jolicœur*, *verluiſant*, *ſanſmentir*; and this was ſometimes done in England, but, in general, they are named from the badge or cognizance which they uſed to wear upon their tabards. They were formerly divided into purſuivants ordinary and extraordinary: the latter were generally called after ſome town or caſtle in our tranſmarine dominions, but ſometimes from places in England, and others from the cognizances of our kings. They had uſed to riſe gradually, from extraordinary to ordinary purſuivants; and they were to be ſeven years purſuivants before they could become heralds. The office of purſuivant makes them gentlemen, and, conſequently, intitles them to armorial bearings if they have no family coat. Their tabards are leſs ornamented than thoſe of heralds, and, inſtead of ſceptres, they bear ſtaves.

ROUGE CROIX, derives his name from the chivalric emblem diſplayed in the holy war, and was created by Henry V.

BLUE MANTLE, takes his title from the colour of the garter worn by the knights of that order. It appears to have been inſtituted about the reign of Edward IV.

ROUGE DRAGON. Henry VII., on the vigil of his coronation, erected this office in memory of the banner, bearing this device on it, which he diſplayed at Boſworth field, painted on white and green ſilk. This he had offered, with other trophies of his victory, in St. Paul's church, and it is repreſented on his magnificent tomb in Weſtminſter Abbey. Henry had ſuch a fondneſs for this enſign, as the ſuppoſed bearing of Cadwallader, king of Wales, from whom he flattered himſelf he derived his deſcent, that he made it one of the royal ſupporters; but it gave place, at the acceſſion of the Stuarts, to the unicorn of Scotland.

PORTCULLIS. The portcullis was a badge derived from the Somerſets: Henry VII. was peculiarly fond of it. On the out as well as the inſide of his chapel at Weſtminſter Abbey, it conſtantly occurs, and on his tomb it is ſeen with the motto *Altera ſecuritas*, ſuppoſed to ſignify, that as the portcullis was an additional ſecurity to the gate, ſo his deſcent from his mother ſtrengthened his other titles to the throne.

CHAPTERS. Chapters of the college are held once in every

month; a herald and purſuivant conſtantly attend at the office to tranſact buſineſs; and the indiſpenſable rule of the college enjoins, that whenever a pedigree, hitherto unentered, or to be compiled, is offered for their ſanction, the herald, retained for that purpoſe, is obliged to ſubmit it to the whole ſociety in chapter, and all objections muſt be reſolved before it be inſerted in the public regiſter, and duly confirmed.

All the officers above mentioned have apartments in the college annexed to their reſpective offices. They have likewiſe a public hall, in which is a court for the earl marſhal, where the courts of chivalry are occaſionally held, and the officers of arms attend in their tabards, his lordſhip being preſent. Alſo a public library or office, containing a large and valuable collection of original viſitations and records of the pedigrees and arms of families, funeral certificates of the nobility and gentry, public ceremonials, and other branches of heraldry and antiquity.

Officers. There are, likewiſe, belonging to this college, a regiſter, a treaſurer, and a meſſenger; alſo two watermen having badges.

Arms. The arms of this college and corporation are, argent, St. George's croſs between four doves azure, one wing open to fly, the other cloſe with a ſuitable motto, *diligent and ſecret*; creſt, on a ducal coronet a like dove riſing; ſupported on either ſide by a lion guardant argent, gorged with a ducal coronet. Theſe arms, creſt, and ſupporters, are on the common ſeal, circumſcribed *Sigillum commune corporationis officii armorum*.

Fees. Occaſional mention has been made of the ſalaries affixed to ſome of the offices, but, on this ſubject in general, the following ſtatement is added from an author whoſe work has been of great uſe in the preceding account: "Having "ſpoken at large," ſays Mr. Noble, "of the public duties of "the officers of arms, it may not be improper to ſtate concisely "ſome particulars of the ſources, and reſpective proportions of "their official emoluments. Theſe may be divided into two "claſſes; the firſt, ariſing from ſalaries and fees of honour, the "ſecond, from what is called private buſineſs.

"The ſalaries, which are of very ancient eſtabliſhment, have "become, as money has decreaſed in value, very inconſiderable. "That of a king of arms is 100*l.* per annum, of an herald "forty marks, and of a purſuivant 20*l.* Each is liable to land "tax and other deductions. The fees of honour are paid on "creations of peers, advancements to all orders of knighthood, "and on inſtitutions and tranſlations to biſhopries; on certain "attendances on the royal perſon; inſtallations of the order "of the garter, theſe are very conſiderable; alſo for proclama-

"tions

" tions of war and peace, and royal funerals. In the diviſions " of theſe fees the heralds receive twice as much as the pur- " ſuivants, and the kings of arms twice as much as the heralds; in " addition to which, garter has, on almoſt every occaſion here " ſpeciſied, a very conſiderable ſeparate fee, which, together " with his immenſe profits on inſtallations of the garter, and " his peculiar fees on the inveſtiture of foreign princes with " that order, &c., produce that noble income which he enjoys; " an income moſt properly aſſigned to ſo dignified an office.

" The ſecond claſs of heraldic emoluments, accruing from " what is denominated private buſineſs, is, in its nature and " mode of diſtribution, totally foreign from the other. It ariſes " from the applications of private individuals on all occaſions " of heraldic buſineſs, ſuch as for the proving the pedigrees of " peers under the ſtanding orders of the houſe of lords; for " grants or exemplifications of arms; changes of ſurname by " the king's licence; patents of ſupporters to peers, knights of " the garter, and bath, &c.; copies of pedigrees, or other do- " cuments from the records of the college; collecting or " recording family pedigrees which have not been already " entered there; tracing genealogies to eſtabliſh proofs of the " inheritance or acceding to peerages, or other hereditary titles " or high offices, or of the deſcent of property; and a variety " of other objects. Upon all theſe occaſions every individual " officer of the college, from garter down to the junior pur- " ſuivants, has an equal right to accept commiſſions, and to " tranſact buſineſs for his own ſeparate and peculiar profit. " It may, however, be remarked, that the exerciſe of this right " has generally been waved by the gentlemen who have held " the office of garter, as ſomewhat unworthy of his high and " lucrative ſituation, not to mention that he receives a large fee " by virtue of his office on almoſt every occaſion here men- " tioned; but the provincial kings of arms, whoſe places are " leſs lucrative, have always, and very properly, availed them- " ſelves of it.

" The application on ſuch private buſineſs is made in one or " the other of two modes. A perfect ſtranger to the college pre- " ſents himſelf in courſe to its public office, where he finds the " herald and purſuivant who happens to have, in rotation, the " turn of waiting for that month; and the fact of his applica- " tions to them gives them the ſole right to the tranſaction of " the buſineſs, and to the property of the profit attending it. " A perſon, on the other hand, who has a knowledge of an " individual officer of the college, either on the ſcore of per- " ſonal acquaintance, or through the recommendation of a " common friend, making his application to that officer, gives

" him,

" him, in like manner, the ſole right of tranſacting the buſineſs " on which he applies, and the ſole property in the profits at- " tending it; and thus every individual officer of arms has, " like the profeſſors of the law, his own peculiar clients, with " whom any interference by a brother officer would be deemed " highly improper, as it is directly contrary to the law of the " college in ſuch caſes.

" It will appear, from what has been ſtated, that the official " emoluments of the officers of arms vary very widely in their " amount, according to their reſpective knowledge of their " official duties, to the degrees of their profeſſional aſſiduity, " and to the extent and reſpectability of their private connex- " ions: yet all of them, at leaſt from garter, have too little for " their elegant, reſpectable, ancient poſts, their ſalaries being " inadequate to their merit, their acquirements, their ſacrifices, " to their perſonal ſervices upon one of the greateſt monarchs " in the world. The richeſt nation in Europe by its repre- " ſentatives will, there can be little doubt, ſoon make their " emoluments equal at leaſt to what they were when their " ſalaries were ſettled at a great diſtance of time, when a " very ſmall ſum of money was able to procure what now " requires a great one."

PRECEDENCE. It may be proper to cloſe this diviſion of the preſent work with a general table of precedence eſtabliſhed in this kingdom, in which thoſe marked (*) are entitled to the rank allotted them by ſtatute 31 Hen. VIII. c. 10.; thoſe marked (†), by ſtatute 1 W. & M. c. 21.; thoſe marked (§), by letters patent 9, 10, and 14 Jas. I.; and thoſe marked (‡), by ancient uſage and eſtabliſhed cuſtom.

* The King's children and grandchildren.
* ——— brethren.
* ——— uncles.
* ——— nephews.
* Archbiſhop of Canterbury.
* Lord Chancellor or Keeper, if a baron.
* Archbiſhop of York.

above peers of their own degree.

* Lord Treaſurer,
* Lord Preſident of the Council,
* Lord Privy Seal,

if barons.

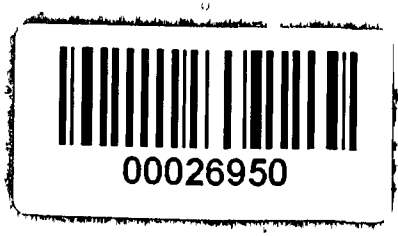
* Lord Great Chamberlain. But ſee private ſtatute 1 G. I. c. 3.
* Lord High Conſtable,
* Lord Marſhal,
* Lord Admiral,
* Lord Steward of the Houſehold,
* Lord Chamberlain of the Houſehold,
* Dukes.
* Marquiſſes.
‡ Dukes' eldeſt ſons.
* Earls.
‡ Marquiſſes' eldeſt ſons.
‡ Dukes' younger ſons.
* Viſcounts.
‡ Earls' eldeſt ſons.
‡ Marquiſſes' younger ſons.
* Secretary of State, if a biſhop.
* Biſhop of London.
* ——— Durham.
* ——— Wincheſter.
* Biſhops.
* Secretary of State, if a baron.
* Barons.
† Speaker of the Houſe of Commons.
† Lord Commiſſioners of the Great Seal.
‡ Viſcounts' eldeſt ſons.
‡ Earls' younger ſons.
‡ Barons' eldeſt ſons.
§ Knights of the Garter.

§ Privy

§ Privy Counſellors.
§ Chancellor of the Exchequer.
§ Chancellor of the Duchy.
§ Chief Juſtice of the King's Bench.
§ Maſter of the Rolls.
§ Chief Juſtice of the Common Pleas.
§ Chief Baron of the Exchequer.
§ Judges and Barons of the Coif.
§ Knights Bannerets Royal.
§ Viſcounts' younger ſons.
§ Barons' younger ſons.
§ Baronets.
§ Knights Bannerets.
‡ Knights of the Bath.
‡ Knights Bachelors.
§ Baronets' eldeſt ſons.
§ Knights' eldeſt ſons.
§ Baronets' younger ſons.
§ Knights' younger ſons.
‡ Colonels.
‡ Serjeants at Law.
‡ Doctors.
‡ Eſquires.
‡ Gentlemen.
† Yeomen.
† Tradeſmen.
† Artificers.
† Labourers.

Married women and widows are entitled to the ſame rank among each other, as their huſbands would reſpectively have borne between themſelves, except ſuch rank is merely profeſſional or official;—and unmarried women to the ſame rank as their eldeſt brothers would bear among men during the lives of their fathers.

END OF THE FIRST VOLUME.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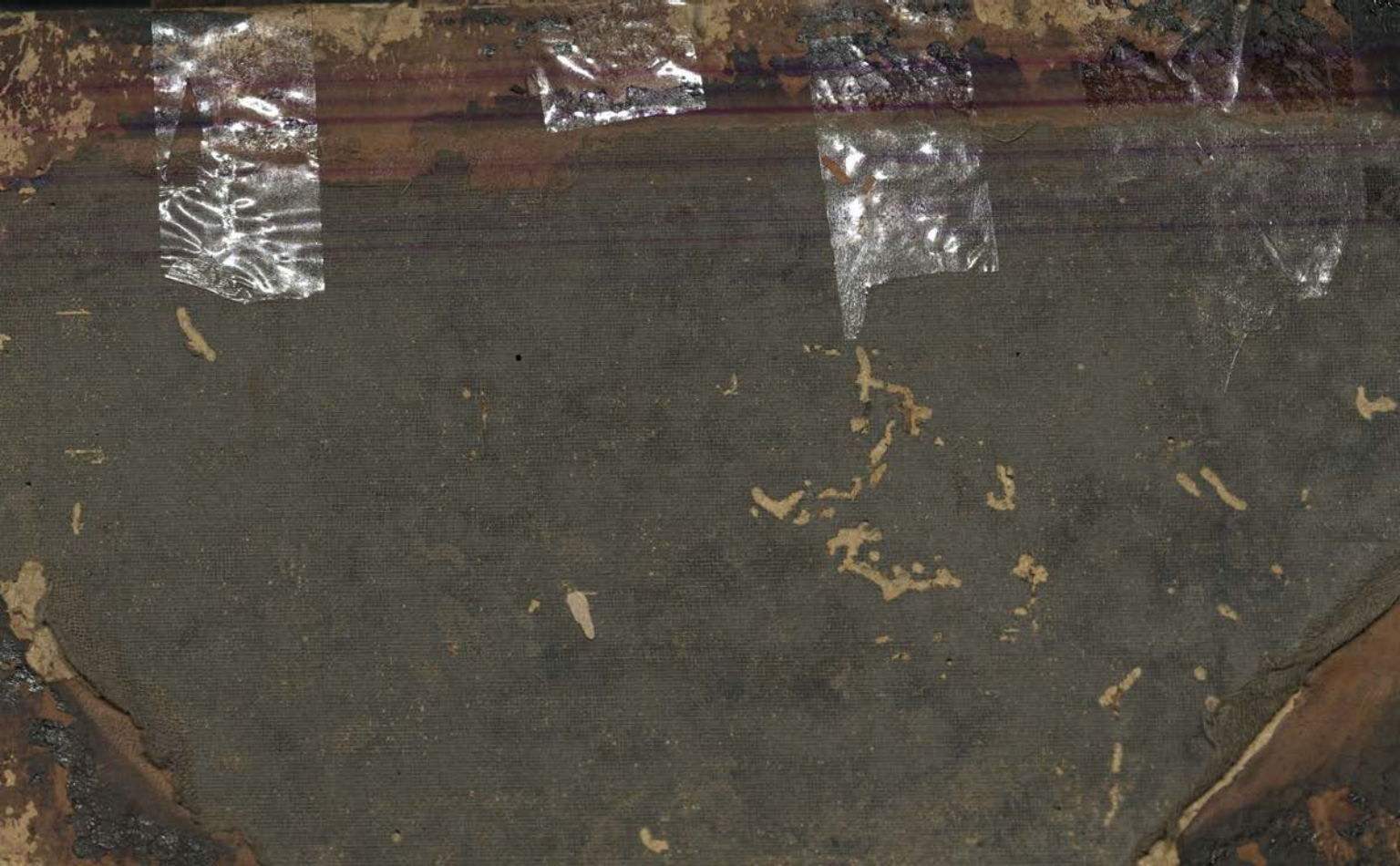
Strahan and Preſton,
New-Street Square, London.

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